

The Gazette of India



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No. 28]

NEW DELHI, SATURDAY, JULY 14, 1962/ASADHA 23, 1984

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th July 1962:—

Issue No.	No. and Date	Issued by	Subject
238	S.O. 1959, dated 26th June, 1962.	Ministry of Food and Agriculture.	Fixation of tariff values with effect from the 1st July, 1962 for the articles specified in column 2 of the Schedule hereto annexed.
239	S.O. 2027 dated 29th June, 1962.	Ministry of Commerce & Industry.	Appointment of Shri Joseph Mathen as a member of the Coir Board consequent on Shri K.B. Madhavan Nair ceasing to be a member of the Rajya Sabha.
240	S.O. 2028, dated 30th June, 1962.	Ministry of Labour and Employment.	Publication of the award of the National Industrial Tribunal, Bombay in the industrial dispute referred to the said Tribunal by the notifications Nos. S.O. 705, 1449 dated respectively the 21st March, 1960 and the 4th June, 1960.
241	S.O. 2029, dated 30th June, 1962.	Central Board of Revenue.	These Rules may be called the Income-tax (Amendment) Rules 1962.
242	S.O. 2030, dated 30th June, 1962.	Ministry of Information & Broadcasting.	Approval of films specified therein.
	S.O. 2031, dated 30th June, 1962.	Idtto.	Approval of film specified therein.
243	S.O. 2032, dated 1st July, 1962.	Ministry of Mines and Fuel.	Amendments in the notification No. S.O. 1717, dated the 1st June, 1962.
244	S.O. 2105, dated 5th July, 1962.	Ministry of Law	Declaration that Kulkarni, Bidesh Tukaram has been duly elected unopposed to fill the seat in the Council of States by the elected members of the Legislative Assembly of Maharashtra.

Issue No.	No. and Date	Issued by	Subject
245	S.O. 2106, dated 6th July, 1962.	Election Commission, India.	Calling upon the Tiruchengode constituency to elect a person to fill the vacancy so caused by reason of Dr. P. Subbarayan having entered upon his office as Governor of Maharashtra.
	S.O. 2107, dated 6th July, 1962.	Ditto.	Fixation of dates for making nominations; for the Scrutiny of nominations; for the withdrawal of candidatures; for taking polls and completion of the election.
	S.O. 2108, dated 6th July, 1962.	Ditto.	Fixation of polling hours.

Copies of the Gazettes Extraordinary mentioned above, will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 9th June 1962

S.O. 2112.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his accounts of election expenses within the time required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name of contesting candidate	Name of constituency
1	2
Shri Same Singh, Village Dayalpur, Tahsil Ballabgarh.	Gurgaon

[No. PB-HP/8/62(7)/54547.]

S.O. 2113.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and

will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Bhola Nath, Mohalla Araziganj, Post-Saidpur, Distt. Ghazipur.	Lalganj.

[No. UP-HP/45/62(33)/54541.]

New Delhi, the 13th June 1962

S.O. 2114.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962, has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses within the time required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Aslam Khan, 41-Zeena Inayat Khan, Rampur, (U.P.).	8-Rampur

[No. UP-HP/8/62(37)/54581.]

S.O. 2115.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962, have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names and addresses of contesting candidates	Serial No. and name of constituency
1	2
1. Shri Ratan Behari Lal, Advocate, Phoota Mahal, Rampur (U.P.).	8-Rampur
2. Shri Rana Raj Mahendra Chandra Pal Singh, Village & Post Office Keorar, Tehsil Milak, District Rampur (U.P.).	8-Rampur

[No. UP-HP/8/62(36)/54576.]

By Order,
C. B. LAL, Under Secy.

New Delhi, the 20th June 1962

S.O. 2116.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
--	-------------------------------------

1

2

Shri Baliram Kolsu Agame,
At Post: Baldeo, Tq., Mangrul—Pir,
District Akola.

37-Yeotmal

[No. MT-HP/37/62(10)/53023.]

S.O. 2117.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names and addresses of contesting candidates	Serial No. and name of constituency
--	-------------------------------------

1

2

1. Shri Mahajan Ramchandra,
Ward No. 15, at Post Shridhar,
Yeotmal.
2. Shri Awachar Sakharam Hari,
Ambedkar Chouk,
Washim, District,
Akola.

[No. MT-HP/37/62(11)/53025.]

By Order,
V. RAGHAVAN, Under Secy.

New Delhi, the 20th June 1962

S.O. 2118.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of

section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Kanhya Lal Azad, Azad Bhavan, Nagra, Ajmer, Rajasthan.	9. Ajmer.

[No. RJ-P/9/62(13).]

New Delhi, the 21st June 1962

S.O. 2119.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereto, at the election held in 1962 has in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shri Sant Prasad Singh, Village Warsi, P.O. Khutahan, District Shahabad, Bihar.	38. Bikramganj.

[No. BR-P/38/62(32).]

S.O. 2120.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names and addresses of contesting candidates	Serial No. and name of constituency
1	2
Shri Harihar Tiwary, Village Parasia, P.O. Nokha, District Shahabad, Bihar.	38. Bikramganj.
Shri Lakshman Singh, Village Ibrahimpur, P.O. Piro, District Shahabad, Bihar.	38. Bikramganj.

[No. BR-P/38/62(33).]

S.O. 2121.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any accounts of their election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 on the expiration of two months from the date of the said decision.

SCHEDULE

Names of contesting candidates	Name of constituency
1	2
Shrimati Gayatridevi, wife of Krishnachandra alias Ladhuuram, Near Pareek Pathshala, Nahargarh Road, Jaipur, Rajasthan.	Jaipur
Shri H. A. Jinda, Hind News, Chandpole Bazar, Jaipur, Rajasthan.	Jaipur
Shri Dharmendra Nath, Arora Ayurvedic Pharmacy, Choura Rasta, Jaipur, Rajasthan.	Jaipur
Shri Ram Singh, Hasanpura, Subash Chowk, Jaipur, Rajasthan.	Jaipur

[No. RJ-P/3/62(14).]

S.O. 2122.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the names of the persons shown in column 1 of the Schedule below who having been contesting candidates for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 have, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge the accounts of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Names and addresses of contesting candidates	Serial No. and name of constituency
1	2
1. Shri Awadhesh Narain Singh, Kamalpur Singhia, P.O. Bidupur Bazar, Muzaffarpur. (Bihar)	11-Muzaffarpur.
2. Shri Krishna Prasad Chowdhary, Nayabazar, Muzaffarpur. (Bihar)	11-Muzaffarpur.

[No. BR-P/11/62(34).]

S.O. 2123.—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of her election expenses and will accordingly become subject to the disqualification under clause (c) of section

7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

SCHEDULE

Name and address of contesting candidate	Serial No. and name of constituency
1	2
Shrimati Ratna Devi, Chak No. 26, Roti Godown, Ward No. 7, Patkapur, Kanpur.	11-Muzaffarpur.

[No. BR-P/11/62(35).]

By Order,
K. K. SETHI, Under Secy.

New Delhi, the 3rd July 1962

S.O. 2124.—Whereas the election of Shri Bhupendra Narain Mandal as a member of the House of the People from the Saharsa constituency of that House has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Ek Narain Lal Das, son of Shri Janardan Lal Das, resident of Village and P.O. Balua Bazar, P.S. Chhatapur, District Saharsa (Bihar);

And whereas the Election Commission has caused a copy of the petition to be published in the Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri P. K. Sarkar, Retired Judge of the High Court of Calcutta, as the member of the Election Tribunal for the trial of the said petition and Patna as the place where the trial of the petition shall be held.

[No. 82/177/62.]

S.O. 2125.—Whereas the election of Shri Satya Narain Sinha as a member of the House of the People from the Samastipur constituency of that House has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Ramasrey Prasad Chaudhary, son of late Chhatradhari Chaudhary, Village and P.O. Keonta, District Darbhanga (Bihar);

And whereas the Election Commission has caused a copy of the petition to be published in the Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri P. K. Sarkar, Retired Judge of the High Court of Calcutta, as the member of the Election Tribunal for the trial of the said petition and Patna as the place where the trial of the petition shall be held.

[No. 82/294/62.]

S.O. 2126.—Whereas the election of Shri Bhupendra Narayan Mandal as a member of the House of the People from the Saharsa constituency of that House has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Mahendra Mishra, son of Shri Ajay Nandan Mishra, resident of village and P.O. Balua-bazar, P.S. Chattapur, District Saharsa (Bihar);

And whereas the Election Commission has caused a copy of the petition to be published in the Official Gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri P. K. Sarkar, Retired Judge of the High Court of Calcutta, as the member of the Election Tribunal for the trial of the said petition and Patna as the place where the trial of the petition shall be held.

[No. 82/296/62.]

New Delhi, the 5th July 1962

S.O. 2127.—Whereas the election of Shri Mohan Singh Oberoi to the Council of States by the elected members of the Legislative Assembly of the State of Bihar has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951) by Shri Shah Mohamad Urnair, son of Shah Ishfaq Hussain, village Makdumpur Kabir, P.O. and P.S. Arwal, District Gaya (Bihar);

And whereas the Election Commission has caused a copy of the petition to be published in the official gazette and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951 (43 of 1951);

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri Chandrika Prasad Sinha, District and Sessions Judge, Patna as the member of the Election Tribunal for the trial of the said petition and Patna as the place where the trial of the petition shall be held.

[No. 82/342/62.]

By order,
K. S. RAJAGOPALAN, Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 5th July 1962

S.O. 2128.—Shri K. R. P. Singh, I.F.S., Deputy Secretary to the Government of India in the Ministry of External Affairs, is appointed to officiate as Controller General of Emigration with the Government of India with effect from the 3rd July, 1962 vice Shri S. K. Banerji, I.F.S., proceeding on leave.

[No. CPEO/43/62/F.3(31)PV.IV/62.]

N. R. MUKHERJEE,
Attache (PVA).

ORDER

New Delhi, the 9th July 1962

S.O. 2129.—In exercise of the powers conferred by section 10 read with section 11(2) of the Goa, Daman and Diu (Administration) Act, 1962 (I of 1962), the Central Government hereby makes the following Order to amend the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962:—

1. (1) This Order may be called the Goa, Daman and Diu (Administration) Removal of Difficulties Amendment Order, 1962.
2. It shall be deemed to have come into force on the 27th May 1962.
3. In the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, in the Table below paragraph 2 and in paragraph 4, for the words "Chief Civil Administrator, Goa", the words "Chief Secretary, Goa" shall be substituted.

[No. F. 6/1/Goa/62.]

S. K. SINGH, Under Secy.

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 6th July, 1962.

S.O. 2130.—Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 29th June, 1962

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	43,30,86,000
Reserve Fund	80,00,00,000	Rupee Coin	1,33,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	3,01,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	
(a) Government	53,36,18,000	(b) External	
(i) Central Government	25,48,78,000	(c) Government Treasury Bills	44,03,86,000
(ii) Other Governments	98,70,46,000	Balances held abroad*	5,64,45,000
(b) Banks	149,65,14,000	**Loans and Advances to Governments	34,89,45,000
(c) Others	44,16,87,000	Other Loans and Advances†	134,93,37,000
Bills Payable	75,22,32,000	Investments	282,27,45,000
Other Liabilities		Other Assets	42,45,97,000
	<hr/> Rupees	<hr/> Rupees	<hr/> Rupees
	587,59,75,000		587,59,75,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 90,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 4th day of July, 1962.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 29th day of June 1962.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	43,30,86,000		A. Gold Coin and Bullion :—		
Notes in circulation . . .	2076,68,18,000		(a) Held in India . . .	117,76,10,000	
TOTAL NOTES ISSUED . . .	2119,99,04,000		(b) Held outside India . . .	91,68,17,000	
			Foreign Securities . . .		
			TOTAL OF A . . .	209,44,27,000	
			B. Rupee Coin . . .	116,23,74,000	
			Government of India Rupee Securi- ties . . .	1794,31,03,000	
			Internal Bills of Exchange and other commercial paper . . .		
TOTAL LIABILITIES . . .	2119,99,04,000		TOTAL ASSETS . . .		2119,99,04,000

Dated the 4th day of July, 1962.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)—BC/62]

A. BAKSI, Joint Secy.

(Department of Revenue)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 9th July 1962

S.O. 2131.—Consequent on his posting as Assistant Commissioner of Income-tax, West Bengal, Calcutta, the powers conferred on Shri A. Satyanarayana by the Ministry of Finance (Department of Revenue) Notification No. 278-Income-tax Establishments, dated the 21st October, 1960, are hereby withdrawn.

[No. 206.]

S.O. 2132.—Consequent on his posting as Assistant Commissioner of Income-tax, Madhya Pradesh, Gwalior, the powers conferred on Shri R. S. Ghalot, by the Ministry of Finance (Department of Revenue) Notification No. 60-Income-tax Establishments, dated the 18th March, 1961, are hereby withdrawn.

[No. 207.]

S.O. 2133.—Consequent on his posting as Assistant Commissioner of Income-tax, West Bengal, Calcutta, the powers conferred on Shri O. Venkatasubramanian by the Ministry of Finance (Department of Revenue) Notification No. 195-Income-tax Establishments, dated the 12th July 1960, are hereby withdrawn.

[No. 208.]

S.O. 2134.—Consequent on his posting as Assistant Commissioner of Income-tax, Gujarat, Ahmedabad, the powers conferred on Shri P.D. Kher by the Ministry of Finance (Department of Revenue) Notification No. 279-Income-tax Establishments dated the 16th September, 1961, are hereby withdrawn.

[No. 209.]

S.O. 2135.—Consequent on his posting as Income-tax Officer in the charge of Commissioner of Income-tax, Bihar and Orissa, the powers conferred on Shri Jogendra Pathak, by the Ministry of Finance (Department of Revenue) Notification No. 72-Income-tax Establishments, dated the 28th April, 1962, are hereby withdrawn.

[No. 210.]

S.O. 2136.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government have been pleased to appoint the following Income-tax Officers, Class I, as Authorised Representative, Income-tax Appellate Tribunal, with effect from the dates noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal:—

Sl. No.	Name of I.T.O.	Date of appointment	Station to which posted as Authorised Repre- sentative, I.T.A.T.
1.	Shri R. Narasimhan	13.6.62 (FN)	Hyderabad.
2.	,, A. Y. Mehta	17.5.62 (FN)	Delhi.

Sl. No.	Name of I.T.O.	Date of appointment	Station to which posted as Authorised Repre- sentative, I.T.A.T.
3.	Shri S. P. Krishnamurthy	16.5.62 (FN)	Madras.
4.	„ P. K. Mehta	14.6.62 (FN)	Patna.
5.	„ J. Rama Iyer	19.5.62 (AN)	Bombay.
6.	„ V. C. Dave	19.5.62 (FN)	Bombay.
7.	„ D. A. Upponi	26.5.62 (FN)	Bombay.
8.	„ George Verghese	14.5.62 (FN)	Junior Authorised Repre- sentative, Income Tax Appellate Tribunal, Bom- bay.

[No. 211.]

M. G. THOMAS, Under Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 14th July 1962

S.O. 2137.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878, (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following amendment in its Notification No. 129/F. No. 14/3/61-L.C.II dated the 2nd December, 1961, namely:—

In the Schedule annexed to the said Notification, against serial No. 2 under the third column, for the words "The Shipping Officer", the words "The Harbour Master" shall be substituted.

[No. 90/F. No. 54/3/62-Cus. IV.]

L. S. MARTHANDAM, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 6th July, 1962.

S.O. 2138.—In exercise of the powers conferred by sub-section (1) of section 122, of the Income-tax Act, 1961, (43 of 1961), the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 660, (No. 35-Income-tax) dated the 22nd April, 1958, namely:—

In the Schedule annexed to the said notification under the sub-head "IV-Bombay City" for the existing entries against 'N' Range in columns 1 and 2, the following shall be substituted, namely:—

'N' Range, Bombay—

1. Bombay Suburban District (East).
2. Bombay Suburban District (West).

3. Special Survey Circle IV.
4. Special Survey Circle V.

Explanatory Note

NOTE.—This amendment has become necessary due to the bifurcation of an Income-tax circle.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 33 (F. No. 50/5/62-IT).]

New Delhi, the 10th July, 1962

S.O. 2139.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circles, Wards and Districts
I	2
Patna Range	<ol style="list-style-type: none"> 1. Special Circle, Patna. 2. Patna Circle, Patna. 3. Special Investigation Circle, Patna. 4. Shahabad Circle, Arrah. 5. Special Estate-Duty-Cum-Income-tax Circle, Patna. 6. Santhal Parganas Circle, Deoghar. 7. Saran Circle, Chapra.
Ranchi Range	<ol style="list-style-type: none"> 1. Ranchi Circle, Ranchi. 2. Salaries Circle, Ranchi. 3. Special Circle, Ranchi. 4. Palamau Circle, Daltongunj. 5. Special Estate Duty-Cum-Income-tax Circle, Ranchi. 6. Dhanbad Circle, Dhanbad. 7. Colliery Circle, Dhanbad. 8. Hazaribagh Circle, Hazaribagh. 9. Gaya Circle, Gaya. 10. Ranchi-Palamau Circle, Ranchi.

Range I	Income-tax Circles, Wards and Districts 2
Bhagalpur Range	1. Bhagalpur Circle, Bhagalpur. 2. Monghyr Circle, Monghyr. 3. Purnea-Saharsa Circle, Purnea.
Muzaffarpur Range	1. Muzaffarpur Circle, Muzaffarpur. 2. Darbhanga Circle, Laheriasarai. 3. Champaran Circle, Motihari.
Cuttack Range	1. Cuttack Circle, Cuttack. 2. Special Circle, Cuttack. 3. Puri Circle, Puri. 4. Salary Circle, Puri. 5. Berhampur Circle, Berhampur. 6. Titlagarh Circle, Titlagarh. 7. Baripada Circle, Baripada.
Jamshedpur Range	1. Singhbhum Circle, Jamshedpur. 2. Jharsuguda Circle, Jharsuguda.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force on 23rd July, 1962.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges.

(This note does not form a part of the notification but is merely clarificatory).

S.O. 2140.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Revenue hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circles Wards and Districts.
1	2
Amritsar	<p>1. All Income-tax Circles, Wards or Districts having headquarters at :</p> <ul style="list-style-type: none"> (i) Amritsar, except Special Survey Circle, Amritsar. (ii) Srinagar. (iii) Jammu. (iv) Udhampur. <p>2. Special Survey Circle, Amritsar (in respect of persons who have their place of business in or reside in the District of Amritsar).</p>
Jullundur	<p>1. All Income-tax Circles, Wards or Districts having headquarters at :</p> <ul style="list-style-type: none"> (i) Jullundur. (ii) Gurdaspur. (iii) Hoshiarpur. (iv) Chandigarh. <p>2. Special Survey Circle, Amritsar (in respect of persons who have their place of business in or reside in the jurisdiction of the Income-tax Circles, Jullundur, Gurdaspur & Hoshiarpur).</p> <p>3. Special Survey Circle, Patiala (in respect of persons who have their place of business in or reside in the jurisdiction of the Income-tax Circles, Chandigarh and Salary Circles, Jullundur).</p>
Ludhiana	<p>1. All Income-tax Circles, Wards or Districts having headquarters at Ludhiana.</p> <p>2. Special Survey Circle, Amritsar (in respect of persons who have their place of business in or reside in the jurisdiction of Ludhiana Circle).</p>

Range 1	Income-tax Circles Wards and Districts 2
Patiala	<ol style="list-style-type: none"> 1. All Income-tax Circles, Wards or Districts having headquarters at <ol style="list-style-type: none"> (i) Patiala, except Special Survey Circle, Patiala. (ii) Sangrur. (iii) Simla. 2. Special Survey Circle, Patiala (in respect of persons who have their place of business in or reside in the jurisdiction of the Income-tax Circles, Patiala, Sangrur Simla).
Ambala	<ol style="list-style-type: none"> 1. All Income-tax Circles, Wards or Districts having headquarters at Ambala. 2. Special Survey Circle, Patiala (in respect of the persons who have their place of business in or reside in the jurisdiction of the Income-tax Circle, Ambala).
Rohtak	<ol style="list-style-type: none"> 1. All Income-tax Circles, Wards or Districts having headquarters at : <ol style="list-style-type: none"> (i) Rohtak. (ii) Karnal. (iii) Hissar. (iv) Bhatinda. (v) Ferozepur. 2. Special Survey Circle, Patiala (in respect of the persons who have their place of business in or reside in the jurisdiction of the Income-tax Circles, Rohtak, Karnal, Hissar, Bhatinda). 3. Special Survey Circle, Amritsar (in respect of persons who have their place of business in or reside in the jurisdiction of the Income-tax Circle, Ferozepur).

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall come into force on 16th July, 1962.

Explanatory Note

The amendments have become necessary on account of the Re-organisation of the Appellate Ranges in the charge of the Commissioner of Income-tax.—Patiala.

(This note does not form a part of the notification but is merely clarificatory).

[No. 35 (F. No. 50/14/62-IT.)]

D. V. JUNNARKAR, Under Secy

MINISTRY OF COMMERCE & INDUSTRY

New Delhi, the 10th July 1962

S.O. 2141.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by The Kanpur Oils and Oilseeds Exchange Limited Kanpur, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act,

recognition to the said Exchange for a further period of three years from the 18th July, 1962 upto the 17th July, 1965 both days inclusive, in respect of forward contracts in rapeseed and mustardseed.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(10)-TMP/FMC/62.]
T. S. KUNCHITHAPATHAM, Under Secy.

ORDER

New Delhi, the 4th July 1962

S.O. 2142.—IDRA/6/3.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri L. N. Mayer to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry Order, S.O. 1003/IDRA/6/3, dated the 28th April, 1961, for the scheduled Industries engaged in the manufacture or production of Non-ferrous Metals including Alloys (and semi-manufactures thereof) till the 27th April, 1963 and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, FOR entry No. 8 relating to Shri R. M. Hannah, the following entry shall be substituted, namely:

"8. Shri L. N. Mayer.
Works Manager,
Indian Copper Corporation Ltd.,
Ghatsila P.O.,
Distt. Singhbhum
(Bihar State).
Owners"

[No. 1(11)L.Pr/60.]
B. R. ABHYANKER, Under Secy.

(Office of the Jt. Chief Controller of Imports and Exports, Bombay)

ORDER

Bombay, the 31st May 1962

S.O. 2143.—Whereas M/s. Ekco Industries, Udhna Industrial Estate, Udhna, Surat District, Gujarat State, or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/49/62/CDN. II/812/dated the 28th February, 1962, proposing to cancel the following licences:

S.No.	Licence No. & Date.	Value in Rs.	Description of goods	I.T.C. S. No.	Area
1	2	3	4	5	6
1.	A. 621015 28-9-1961.	3,750/-	Cellulose Acetate Butyrate.	101-A-V	G.A. excep South &
2.	A. 621013 28-9-1961.	1,850/-	Polythylene (Low Density)	113-i-V	S. W. Africat do
3.	A. 621014 28-9-1961.	2,500/-	C. A. Moulding Powder.	101-V	do
4.	A. 621016 28-9-1961.	2,140/-	Acrylic Sheets.	11-V	do
5.	A. 621017 28-9-1961.	1,350/-	N. S. Hinges.	93-94(a)- (ii)-V	do
6.	A. 621012 28-9-1961.	1,008/-	Butyal Acetate.	22-31-V.	do

granted to the said M/s. Ekco Industries, Udhna, by the Jt. Chief Controller of Imports & Exports, Bombay, Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licences, mentioned above issued to the said M/s. Ekco Industries, Udhna.

[No. 1/49/62/CDN.II.]
R. R. KIRPALANI,
Dy. Chief Controller of Imports & Exports.

(Indian Standards Institution)

New Delhi, the 3rd July 1962

S.O. 2144—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th June, to 30th June, 1962.

THE SCHEDULE

Sl. No. and Title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief particulars	
(1)	(2)	(3)	(4)
1 I.S. : 404-1962 Specification for Lead Pipes (<i>Revised</i>).	IS : 404-1952 Specification for Lead Pipes for other than Chemical Purposes.	This standard covers the minimum requirements for lead pipes for plumbing and for use in chemical industry (Price Rs. 3.50).	
2 IS: 589-1961 Basic Climatic and Mechanical Durability Tests for Electronic components (<i>Revised</i>).	IS : 589-1954 Procedures for Basic Climatic Tests for Electronic Components (<i>Tentative</i>).	This standard lays down general procedures for climatic and mechanical durability tests designed to assess the durability, under various conditions of use, transport and storage of components used in electronic equipment and other equipment employing similar techniques (Price Rs. 7.50).	
3 IS : 1852-1962 Specification for Rolling and Cutting Tolerances for Hot-Rolled Steel Products.		This standard lays down rolling and cutting tolerances for hot-rolled structural steel sections and other steel products such as bar (excluding rivet for flat, plate, strip and sheet (Price Rs. 3.50).	
4 IS : 1860-1961 Code of Practice for Installation, Operation and Maintenance of Electric Passenger and Goods Lifts.		This standard covers the essential requirements, design considerations, testing and precautions to be exercised during installation of passenger and goods lifts operated by electric power, so as to ensure safe and satisfactory performance. It also lays down rules for proper maintenance after installation (Price Rs. 10.00).	
5 IS : 1889-1962 Method for Quantitative Chemical Analysis of Binary Mixtures of Regenerated Cellulose Fibres and Cotton.		This standard prescribes a method for the quantitative chemical analysis of binary mixtures, in any textile form such as fibre, yarn or fabric, of regenerated cellulose fibres with Cotton (Price Rs. 1.50).	
6 IS : 1946-1968 Code of Practice for Use of Fixing Devices in Walls, Ceilings and Floors of Solid Construction.		This standard lays down the essential features and methods of use of the following fixing devices suitable for use in walls and ceilings of solid construction: (a) Expansion wall plugs.	

1	2	3	4
			(b) Expansion shells. (c) Caulked-in anchor devices (d) Built-in devices (Price Rs. 4.50).
7	IS : 1948-1961 Specification for Aluminium Doors, Windows and Ventilators.		This standard covers the requirements regarding material fabrication and dimensions of aluminium doors, windows and ventilators manufactured from extruded aluminium alloy sections of standard sizes and designs, complete with fittings, ready for being fixed into the buildings. This standard does not cover the requirements for industrial doors, windows and ventilators (Price Rs. 5.00.)
8	IS : 1954-1961 Method for Determination of Dimensions of Fabrics.		This standard prescribes methods for determination of dimensions of fabrics (Price Rs. 2.00).
9	IS : 1959-1961 Specification for Silver Anodes for Electroplating.		This specification covers the requirements of pure silver anodes used for electroplating (Price Rs. 1.00).
10	IS : 1963-1961 Method for Determination of Ends and Picks Per Unit Length in Woven Fabrics.	IS : 682-1958 Method for Determination of Ends and Picks Per Centimetre in Woven Wool Fabrics.	This standard prescribes two methods for determination of ends and picks per decimetre (ten centimetres) in woven fabrics. Generally speaking the first method is applicable to such fabrics of which individual threads can be easily identified with a thread counting glass and the second method is applicable to such fabrics of which individual threads cannot be easily identified with a thread counting glass (Price Rs. 2.00).
11	IS : 1964-1961 Methods for Determination of Weight Per Square Metre and Weight Per Linear Metre of Fabrics.	IS : 683-1958 Method for Determination of Weight Per Square Metre and Weight Per Linear Metre of Wool Fabrics.	This standard prescribes methods for the determination of weight per square metre and weight per linear metre of fabrics (Price Rs. 1.50).
12	IS : 1969-1961 Method for Determination of Breaking Load and Elongation at Break of Woven Fabric (By Constant-rate-Of-Traverse Machine).		This standard prescribes a method for determination of breaking load and elongation at break of woven fabrics by constant-rate-of-traverse machine (Price Rs. 2.00).
13	IS : 1971-1961 Specification for Single-Barrel Stirrup-Pump for Public Health.		This standard prescribes the requirement and the methods for testing the performance of the single-barrel stirrup-pump primarily used for spraying pesticides in the field of public health (Price Rs. 2.50).
14	IS : 1991-1962 Safety Code for Grinding Wheels.		This standard lays down code of practice for safety in the use of grinding wheels including directives for design of protection

1

2

3

4

15 IS : 2033-1962 Specification for Tapioca Flour for Use in the Cotton Textile Industry.

16 IS : 2044-1962 Specification for Sillimanite Refractories for Glass Melting Tank Furnaces.

17 IS : 2045-1962 Specification for Natural Sillimanite Blocks for Glass Melting Tank Furnaces.

devices and safe speeds Price Rs. 5.00).

This standard prescribes the requirements for tapioca flour for use in the cotton textile industry as a sizing material. Method of test for various characteristics of the tapioca flour are also given (Price Rs. 3.00).

This standard covers the requirements for sillimanite refractories for lining of glass melting tank furnaces. The requirements laid down in this standard are applicable to sillimanite refractories upto a maximum size of $60 \times 30 \times 15$ cm. (Price Rs. 1.50).

This standard covers the requirements for natural sillimanite blocks for lining of glass melting tank furnaces (Price Re. 1.00).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, 'Manak Bhavan', 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232, Dr. Dadabhoi Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, (iv) 14/69 Civil Lines, Kanpur.

(No MD 13:2)

New Delhi the 5th July, 1962

S.O. 2145.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that eighteen licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.]	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article(s) covered by the licensee	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-88 22-5-1958	2-6-62	1-6-63	The Hindustan Electric Co. Ltd., Industrial Area, New Township, Faridabad (Punjab).	Aluminium Conductor Steel Reinforced and All Aluminium Conductors.	IS : 398-1961 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes (Revised).
2	CM/L-89 22-5-1958	2-6-62	1-6-63	M/s. Estrela Batteries Limited, Plot No. 1, Dharavi, Matunga, Bombay-19.	Leclanche Type Dry Batteries for Flashlights.	IS : 203-1958 Specification for Leclanche Type Dry Batteries for Flashlights (Revised).
3	CM/L-90 20-6-1958	1-7-62	30-6-63	The National Screw and Wire Products Limited, Stephen House, 4, Dalhousie Square, East, Calcutta.	Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes.	IS : 282-1951 Specification for Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes (Tentative).
4	CM/L-117 13-2-1959	1-7-62	30-6-63	M/s. Metallica Works Private Ltd., 11, Worli Road, Bombay-18.	Antifriction Bearing Alloys.	IS : 25-1961 Specification for Antifriction Bearing Alloys (Revised).
5	CM/L-126 29-5-1959	16-6-62	15-6-63	M/s. Power Cables Private Ltd., Vithalwadi (Opp. Vithalwadi Rly. Station), Post Box No. 4, Kalyan.	Hard-Drawn Stranded Aluminium and Steel Cored Aluminium Conductors for Overhead Power Transmission Purposes.	IS : 398-1961 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes (Revised). P.I.O.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
6	CM/L-131 24-6-1959	1-7-62	30-6-63	M/s. East India Distilleries and Sugar Factories Limited, Dare House, Madras-I.	BHC Dusting Powders.	IS : 561-1958 Specification for BHC Dusting Powders (Revised).
7	CM/L-132 24-6-1959	1-7-62	30-6-63	M/s East India Distilleries and Sugar Factories Limited, Dare House, Madras-I.	DDT Dusting Powders.	IS : 564-1961 Specification for DDT Dusting Powder (Revised).
8	CM/L-194 30-5-1960	15-6-62	14-6-63	M/s. Enco Plywood & Saw Mill Industries, Siliguri, P.O. Siliguri Distt. Darjeeling.	Plywood for General Purposes.	IS : 303-1960 Specification for Plywood for General Purposes (Revised).
9	CM/L-195 30-5-1960	15-6-62	14-6-63	M/s. Western India Plywoods Ltd., Balipattam, Cannanore Distt., Kerala State.	Plywood for General Purposes.	IS : 303-1960 Specification for Plywood for General Purposes (Revised).
10	CM/L-303 30-5-1961	15-6-62	14-6-63	M/s. Tata-Fison Ltd., Pandit Motilal Nehru Road, Jumna Kinara, Agra.	BHC Water Dispersible Powder Concentrates	IS : 562-1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).
11	CM/L-304 30-5-1961	15-6-62	14-6-63	M/s. Tata-Fison Ltd., Pandit Motilal Nehru Road, Jumna Kinara, Agra.	DDT Water Dispersible Powder Concentrates.	IS : 565-1955 Specification for DDT Water Dispersible Powder Concentrates.
12	CM/L-305 30-5-1961	15-6-62	14-6-63	M/s. India Supplies Engineering Works Ltd., 84/22 Fazalgang, Kanpur.	Small AC and Universal Electric Motors with Class 'A' Insulation.	IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
13	CM/L-309 30-5-1961	1-7-62	30-6-63	M/s. Jayant Metal Manufacturing Company, 924-A, Sayani Road, Bombay-28.	Copper Wire Nails of the following types : (a) Rose head boat nails, square shank, square point. (b) Countersunk-head boat nails, square shank, sharp square point.	IS : 725-1961 Specification for Copper Wire Nails (Revised).

14	CM/L-312 26-6-1961	1-7-62	30-6-63	M/s. Sonawala Industries Private Ltd., 137, Sheikh Memon Street, Bombay-2.	Sulphuric Acid, Battery, Pure and Analytical Reagent Grades.	IS : 266-1950 Specification for Sulphuric Acid.
15	CM/L-313 26-6-1961	1-7-62	30-6-63	M/s Nahar Foundry Ltd., Nahar, Distt. Sirmur (Himachal Pradesh).	Three-Phase Induction Motors Up to 10 Horse Power.	IS : 325-1959 Specification for Three-Phase Induction Motors (Revised).
16	CM/L-315 26-6-1961	1-7-62	30-6-63	M/s. Rohtas Industries Limited, Dalmianagar (Bihar).	Unreinforced Corrugated Asbestos Cement Sheets (Including Semi-corrugated Sheets).	IS : 459-1955 Specification for Unreinforced Corrugated Asbestos Cement Sheets.
17	CM/L-316- 26-6-1961	1-7-62	30-6-63	The Reliable Water Supply Service of India P. Ltd., 17, Gokhale Marg, Lucknow.	Flushing Cisterns for Water-closets and Urinals.	IS : 774-1960 Specification for Water Closets and Urinals (Valveless Siphoni Type, (Revised).
18	CM/L-317 26-6-1961	1-7-62	30-6-63	M/s. Cable Corporation of India Limited, Laxmi Building, 6, Ballard Road, Ballard Estate, Fort, Bombay-1.	Paper-Insulated Lead-Sheathed Cables for Electricity Supply.	IS : 692-1957 Specification for Paper-Insulated Lead Sheathed Cables for Electricity Supply.

[No. MD/12: 195]

S.O. 2146.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that seven licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article Process covered by the Licence	Relevant Indian Standard
		From (3)	To (4)			
(1)	(2)			(5)	(6)	(7)
1	CM/L-423 19-6-1962	20-6-62	19-6-63	The Vikon Electrical Works (Private) Limited, G.T. Road, Goraya (Punjab).	Semi-Enclosed Electric Fuses (Ratings Up to 200 amperes and 250 Volts to Earth).	IS : 2086-1962 Specification for Semi-Enclosed Electric Fuses.
2	CM/L-424 30-6-1962	1-7-62	30-6-63	M/s. Anam Electrical Manufacturing Company, Kadiam, East Godavari District, Andhra Pradesh.	Aluminium Conductor Steel Reinforced and All Aluminium Conductors.	IS : 398-1961 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes (Revised).
3	CM/L-425 30-6-1962	1-7-62	30-6-63	M/s Govardhan Das, P.A., Building, Jullundur City.	Tubs Gunmetal Gate, Globe and Check Valves for Water, Steam and Oil Only.	IS : 778-1957 Specification for Gunmetal Gate, Globe and Check Valves for Water, Steam and Oil only (Not Intended for Use in Petroleum Industry).
4	CM/L-426 30-6-1962	1-7-62	30-6-63	M/s. Asian Cables Corporation Ltd., Kotak Wadi, Pokhran Road, Majiwade, Thana (Maharashtra State) having their Registered office at Navsari Building, 240, Dr. D. N. Road, Fort, Bombay-1.	Rubber Insulated Cables, Taped, Braided and Compounded, TRS(CTS) 250 and 660 Volts Grade.	IS : 434-1953 Specification for Rubber-Insulated Cables and Flexible Cords for Electric Power and Lighting (For Working Voltages Up to and Including 11kV) (Tentative).
5	CM/L-427 30-6-1962	1-7-62	30-6-63	The Calcutta Chemical Co. Ltd., 6, Tiljala Road, Calcutta-39 having their Registered office at 35, Panditia Road, Calcutta-29.	Stearic Acid, Technical, Grades, I, 3 & 4 only.	IS : 1675-1960 Specification for Stearic Acid, Technical.

6 CM/I-428 30-6-1962	15-7-62 14-7-63	M/s Swastik Rubber Products Ltd., PVC Cables Single Core Only Behind Kirkee Railway Station, 250 and 650 Volts Grade. Kirkee, Poona-3.	IS : 694-1960 Specification for PVC Cables and Cords for Electric Power and Li- ghting for Working Voltages Up to and Including 650 Volts to Earth (Tentative, Amended).
7 CM/L-429 30-6-1962	15-7-62 14-7-63	The Hindusthan Mineral Products Co. Pvt. Ltd., Plot No. 27, Manganese Depot, Sewri, Bombay-15 having their Registered Office at 111, Industrial Area, Sion, Bombay-22.	BHC Water Dispersible Powder Concentrates. IS: 562-1958 Specification for BHC Water Dispersible Powder Concentrates (Revised).

[No. MD-12: 818]

New Delhi, the 6th July 1962

S.O. 2147.—In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Indian Standards given in the Schedule hereto annexed have been established during the quarter ending 30th June 1962.

THE SCHEDULE

Sl. No.	No. of Indian Standard	Title of Indian Standard
1	IS : 25—1961	Specification for Antifriction Bearing Alloys (<i>Revised</i>)
2	IS : 101—1961	Methods of Test for Ready Mixed Paints and Enamels (<i>Revised</i>)
3	IS : 206—1962	Specification for Tee and Strap Hinges (<i>Revised</i>)
4	IS : 219—1962	Specification for Ink Powder and Tablets (<i>Revised</i>)
5	IS : 222—1962	Specification for Ink Fluid for General Purposes (<i>Revised</i>)
6	IS : 275—1961	Specification for Padlocks (<i>Second Revision</i>)
7	IS : 279—1961	Specification for Galvanised Iron and Steel Wire for Telegraph and Telephone Purposes (<i>Revised</i>)
8	IS : 290—1961	Specification for Coal Tar Black Paint (<i>Revised</i>)
9	IS : 291—1961	Specification for Naval Brass Rods and Sections (Suitable for Machining and Forging) (<i>Revised</i>)
10	IS : 318—1962	Specification for Leaded Tin Bronze Ingots and Castings (<i>Revised</i>)
11	IS : 325—1961	Specification for Three-Phase Induction Motors (<i>Second Revision</i>)
12	IS : 404—1962	Specification for Lead Pipes (<i>Revised</i>)
13	IS : 407—1961	Specification for Brass Tubes for General Purposes (<i>Revised</i>)
14	IS : 451—1961	Specification for Wood Screws (<i>Revised</i>)
15	IS : 458—1961	Specification for Concrete Pipes (with and without Reinforcement) (<i>Revised</i>)
16	IS : 564—1961	Specification for DDT Dusting Powders (<i>Revised</i>)
17	IS : 585—1962	Voltages and Frequency for AC Transmission and Distribution Systems (<i>Revised</i>)
18	IS : 589—1961	Basic Climatic and Mechanical Durability Tests for Electronic Components (<i>Revised</i>)
19	IS : 624—1961	Specification for Bicycle Rims (<i>Revised</i>)
20	IS : 630—1961	Specification for Bicycle Spokes (Plain) and Nipples for Spokes (<i>Revised</i>)
21	IS : 722 (Part I)—1962	Specification for AC Electricity Meters Part I General Requirements (<i>Revised</i>)
22	IS : 722 (Part I)—1962	Specification for AC Electricity Meters Part II Single-Phase 2-Wire Whole-Current Watt-Hour Meters (<i>Revised</i>)
23	IS : 723—1961	Specification for Mild Steel Wire Nails (<i>Revised</i>)
24	IS : 725—1961	Specification for Copper Wire Nails (<i>Revised</i>)
25	IS : 811—1961	Specification for Cold Formed Light Gauge Structural Steel Sections
26	IS : 876—1961	Specification for Wood Poles for Overhead Power and Telecommunication Lines (<i>Revised</i>)
27	IS : 940—1961	Specification for Portable Chemical Fire Extinguisher Water Type (Gas Pressure)
28	IS : 966—1962	Specification for Desiccated Coconut
29	IS : 985—1962	Specification for Lead-Acid Storage Batteries (Heavy Duty) for Motor Vehicles (<i>Revised</i>)
30	IS : 1030—1962	Specification for Steel Castings for General Engineering Purposes (<i>Revised</i>)
31	IS : 1084—1961	Specification for Hawser-Laid Manila Rope (<i>Revised</i>)
32	IS : 1085—1961	Specification for Shroud-Laid Manila Rope (<i>Revised</i>)
33	IS : 1086—1961	Specification for Cable-Laid Manila Rope (<i>Revised</i>)
34	IS : 1145—1962	Specification for Lead-Acid Storage Batteries for Motor Cycles (<i>Revised</i>)

Sl. No.	No. of Indian Standard	Title of Indian Standard
35	IS : 1365—1962	Specification for Slotted Countersunk Head Machine Scrws (1.6 to 20 mm)
36	IS : 1366—1962	Specification for Slotted Round and Cheese Head Machine Scrws (1.6 to 20 mm)
37	IS : 1367—1961	Technical Supply Conditions for Threaded Fasteners
38	IS : 1448 (Part I)—1960	Methods of Test for Petroleum and its Products, Part I
39	IS : 1561—1962	Specification for Set Squares for use of Drawing Office
40	IS : 1620—1961	Methods of Test (Chemical) for Industrial Water
41	IS : 1719—1961	Specification for Felts, Woollen, Proofed and Unproofed
42	IS : 1745—1961	Specification for Petroleum Hydrocarbon Solvents
43	IS : 1797—1961	Methods of Sampling and Test for Spices and Condiments
44	IS : 1825—1961	Specification for Aluminium Milk Cans
45	IS : 1852—1962	Specification for Rolling and Cutting Tolerances for Hot Rolled Steel Products
46	IS : 1854—1961	Specification for Person Weighing Machines
47	IS : 1856—1961	Specification for Steel Wire Ropes for Haulage Purposes in Mines
48	IS : 1859—1961	Specification for Thread Cutting Dies
49	IS : 1860—1961	Code of Practice for Installation, Operation and Maintenance of Electric Passenger and Goods Lifts
50	IS : 1878—1961	Test Chart for Lathes (Up to 800 mm Swing Over Bed)
51	IS : 1879—1961	Specification for Malleable Cast Iron Pipe Fittings
52	IS : 1881—1961	Code of Practice for Installation of Indoor Amplifying and Sound Distribution Systems
53	IS : 1882—1961	Code of Practice for Outdoor Installation of Public Address Systems
54	IS : 1883—1961	Specification for Steel Shelving Racks (Adjustable Type)
55	IS : 1889—1962	Method for Quantitative Chemical Analysis of Binary Mixtures of Regenerated Cellulose Fibres and Cotton
56	IS : 1891—1961	Specification for Rubber and Canvas Conveyor and Elevator Belting
57	IS : 1900—1961	Method of Testing Wood Poles
58	IS : 1902—1961	Code of Practice for Preservation of Bamboo and Cane for Non-structural Purposes
59	IS : 1904—1961	Code of Practice for Structural Safety of Buildings : Foundations
60	IS : 1905—1961	Code of Practice for Structural Safety of Buildings : Masonry Walls
61	IS : 1907—1961	Specification for Cardamom
62	IS : 1908—1961	Specification for Ginger, Whole and Ground
63	IS : 1909—1961	Specification for Curry Powder
64	IS : 1912—1961	Specification for Country Jute Twine, Three-Ply
65	IS : 1913—1961	General and Safety Requirements for Electric Light Fittings
66	IS : 1914—1961	Specification for Carbon Steel Boiler Tubes and Super-heater Tubes
67	IS : 1923—1961	Specification for Cotton Sledge Tape for Electrical Purposes
68	IS : 1925—1961	Specification for Bidis
69	IS : 1921—1961	Specification for Boiler Rivets (12 to 48 mm Diameter)
70	IS : 1929—1961	Specification for Rivets for General Purposes (12 to 48 mm Diameter)
71	IS : 1930—1961	Specification for Wood Working Chisels and Gouges
72	IS : 1932—1961	Specification for Mustard and Rape Oilcake as Livestock Feed
73	IS : 1934—1961	Specification for Sesamum (Til) Oilcake as Livestock Feed
74	IS : 1935—1961	Specification for Linseed Oilcake as Livestock Feed
75	IS : 1937—1961	Specification for Handloom Cotton Bleeding Madras, Loomstate

Sl. No.	No. of Indian Standard	Title of Indian Standard	
76	IS : 1938—1961	.	Specification for Cotton Cambs for Use in Jute Looms
77	IS : 1939—1961	.	Specification for Handloom Cotton Handkerchiefs, Bleached, Striped or Checked
78	IS : 1941—1961	.	Specification for Electric Motor Sirens
79	IS : 1943—1961	.	Specification for A-Twill Jute Bags for Packing Sugar
80	IS : 1946—1961	.	Code of Practice for Use of Fixing Devices in Walls, Ceilings and Floors of Solid Construction
81	IS : 1947—1961	.	Specification for Flood-Lights
82	IS : 1948—1961	.	Specification for Aluminium Doors, Windows and Ventilators
83	IS : 1949—1961	.	Specification for Aluminium Windows for Industrial Buildings
84	IS : 1951—1961	.	Specification for Polyvinyl Chloride Sleevng for Electrical Purposes
85	IS : 1954—1961	.	Method for Determination of Dimensions of Fabrics
86	IS : 1955—1961	.	Specification for Prismatic Compass, Liquid
87	IS : 1957—1961	.	Specification for Prismatic Compasses, Non-Liquid
88	IS : 1958—1961	.	Specification for Nickel Anodes for Electroplating
89	IS : 1959—1961	.	Specification for Silver Anodes for Electroplating
90	IS : 1960—1961	.	Specification for Wheatmeal Bread
91	IS : 1961—1961	.	Specification for Glass Tableware
92	IS : 1962—1961	.	Method for Determination of Fastness of dyestuffs to Metals in the Dyebath : Chromium Salts
93	IS : 1963—1961	.	Method for Determination of Ends and Picks Per Unit Length in Woven Fabrics
94	IS : 1964—1961	.	Methods for Determination of Weight Per Square Metre and Weight Per Linear Metre of Fabrics
95	IS : 1965—1961	.	Specification for Bleaching Earths of Indian Origin used for Decolorising Vegetable Oils
96	IS : 1966—1961	.	Methods for Determination of Brusting Strength of Woven and Knitted Fabrics
97	IS : 1969—1961	.	Method for Determination of Breaking Lead and Elongation at Break of Woven Fabric (By Constant Rate-Of-Traverse Machine)
98	IS : 1970—1961	.	Specification for Hand Compression Sprayer for Public Health
99	IS : 1971—1961	.	Specification for Single-Barrel Stirrup-Pump for Public Health
100	IS : 1972—1961	.	Specification for Copper Plate, Sheet and Strip for Industrial Purposes
101	IS : 1975—1961	.	Specification for Colours for Signal Glasses for Use in Railways
102	IS : 1981—1962	.	Specification for Animal Casings for Sausages
103	IS : 1982—1962	.	Code of Practice for Ante-Mortem and Post-Mortem Examinations of Meat Animals
104	IS : 1985—1962	.	Code of Practice for Pretreatment of Steel, Copper and Copper Base Alloys, Zinc and Zinc Base Alloys for Electroplating
105	IS : 1991—1962	.	Safety Code for Grinding Wheels
106	IS : 1995—1962	.	Overall Internal Heights for Lathe Tool Posts
107	IS : 1998—1962	.	Method of Test for Thermosetting Synthetic Resin Bonded Laminated Sheets
108	IS : 2000—1962	.	Methods of Chemical Analysis of Bauxite
109	IS : 2010—1962	.	Methods for Detection and Estimation of Damage in Jute Fabrics Due to Micro-Organisms

Sl. No.	No. of Indian Standard	Title of Indian Standard
110	IS : 2011—1962 . . .	Methods for Detection and Estimation of Damage in Jute Yarn and Cordages due to Micro-Organisms.
111	IS : 2012—1961 . . .	Specification for Red Phosphorous
112	IS : 2116—1962 . . .	Specification for Plain Washers
113	IS : 2032 (Part I)—1962 . . .	Graphical Symbols used in Electrotechnology Part I Classification and Definitions of Diagrams and Charts
114	IS : 2033—1962 . . .	Specification for Tapioca Flour for Use in the Cotton Textile Industry
115	IS : 2035—1961 . . .	Specification for Free-Flowing Table Salt
116	IS : 2040—1962 . . .	Specification for Steel Bars for Stays
117	IS : 2044—1962 . . .	Specification for Sillimanite Refractories for Glass Melting Tank Furnaces
118	IS : 2045—1962 . . .	Specification for Natural Sillimanite Blocks for Glass Melting Tank Furnaces

[No. MD/ 13 : 3]

S. O. 2148—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Noti- fication in which establish- ment of Indian Standard was notified	Particulars of Errata Slip Issued
(1)	(2)	(3)	(4)
1	IS : 398—1961 Specification for Hard-Drawn Strand - ed Aluminium and Steel Cored Aluminium Con - ductors for Overhead Po - wer Transmission Pur - poses (Revised)	S.O. 417 dated 10th February, 1962	<p>(i) On page 14 in table I, Col 2, second entry, please read '2.38' for '2.58'</p> <p>(ii) On page 14 in table I, Col 3, thirteenth entry, please read '3.67' for '3.68'</p> <p>(iii) On page 15, in table I, Col 6, eleventh entry, please read '1.299' for '1.22'</p> <p>(iv) On page 20, in table III, Col 2, seventh entry, please read '7/3.66' for '7/3.65'</p> <p>(v) On page 20, in table III, Col 5, twentyfirst entry, please read '0.05982' for '0.95982'</p> <p>(vi) On page 22, in table IV, Col 2, thirteenth entry, please read '26.2.54' for '26/2.79'</p>

(1)	(2)	(3)	(4)
2	IS : 696-1960 (Section 4) Code of Practice for Ge- neral Engineering Draw- ings (Revised)	S.O. 1767 dated 9th June 1962	On page 11, the existing Fig. 4-33 has been deleted and substituted by a new Fig.
3	IS : 1865-1961 Specification for Iron Castings with Spheroidal or Nodular Graphite	S.O. 416 dated 10th February 1962	On page 6, in Fig. 4 and 5, the asterisk marks (*) given on dimensions '150*' and '100*' and from the footnotes given under the respective figures, have been deleted

Copies of these Errata Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadaboy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2/21 First Line Beach, Madras-1, and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:6]

S. O. 2149—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been cancelled.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard can- celled	No. and Date of Gazette Notification in which establishment of the Indian Standard was notified
1	IS : 682-1958 Method for Determination of Ends and Picks Per Centimetre in Woven Wool Fabrics.	S.O. 1438 dated 16 June 1959 published in the Gazette of India, Part II—Section 3— Sub-section (ii) dated 27 June 1959
2	IS : 683-1958 Method for Determination of Weight Per Square Metre and Weight per Linear Metre of Wool Fabrics	S.O. 1638 dated 20 July 1959 published in the Gazette of India, Part II—Section 3— Sub-section (ii) dated 25 July 1959

[No. MD/13 : 7]

C. N. MODAWAL,
Head of the Certification Marks Division.

ERRATUM

In the Ministry of Commerce and Industry (Indian Standards Institution) Notification, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 16 June 1962, S.O. 1860 dated 6 June 1962, the following error in the Schedule may be corrected.

Sl. No. 8, Col. 5, For '15th June 1962'

Read '15th March 1962'.

MINISTRY OF MINES AND FUEL

New Delhi, the 9th July, 1962

S.O. 2150.—In exercise of powers conferred by sub-section (2) of section 17 of Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government after consultation with the Government of the State of Madhya Pradesh hereby declares that it proposes to undertake mining operations

in respect of Coal in the State of Madhya Pradesh in the areas specified in the Schedule I and II below:—

SCHEDULE I

Drawing No. Rev/34/62 dt. 14-5-62

Sl. No.	Village	Village No.	Tehsil.	District	Area	Remarks.
1. Matouli	.	446	Singrouli	Sidhi	2912.00	Part
2. Nigai	.	288	„	„	505.00	Part
Total area					3417.00 acres (Approx.)	

Plot Nos. for undertaking mining operations in village Matouli : 130, 131(P), 132(P), 133, 134, 135, 137(P), 138(P), 139(P), 140 to 148, 149(P), 152(P), 154(P), 156(P), 157(P), 185(P), 186(P), 188(P), 190(P), 191(P), 192 to 194, 195(P), 196(P), 197(P), 198(P), 199(P), 200(P), 201(P), 207, 208(P), 209, 210(P), 211(P), 212 to 261, 262(P), 263(P), 270(P), 271 to 301, 203(P), 303 to 305, 306(P), 305(P), 403(P), 404 to 411, 412(P), 413 to 415, 416(P), 417(P), 432(P), 437(P), 438(P), 444(P), 445(P), 446 to 473, 474(P), 475 to 512, 513(P), 514(P), 522(P), 523, 524, 525(P), 526(P), 527 to 533, 540, 541(P), 542 to 568, 569(P), 570(P), 575(P), 576 to 580, 581(P), 206/597(P), /304 598, 414/603, 445/604, 468/605, 470/606, 154/609, 217/614, 143 615, 208 616, 223 617, 280 618, 303 619, 481 624, 486/625, 451/626, 452/627, 304 630, 303/631.

Plot Nos. for undertaking mining operations in village Nigai : 2(P), 3 to 8, 9(P), 69(P), 70(P), 71, 72(P), 73(P), 95(P), 96(P), 97(P), 98 to 108, 109(P), 111(P), 5/156, 8/158, 8/160, 8/159, 35/161, 55/162(P), 96/165(P), 95/167(P), 95/168(P), 105/169, 106/170, 109/171, 109/172(P), 110/173, 110/174, 110/175, 110/176, 110/177.

Boundary Description :

A-B Line passes through plot Nos. 69, 9 & 2 in village Nigai and Plot Nos. 139, 137, 138, 137 along the Western boundary of Plot Nos. 133, 130 and part Western boundary of Plot No. 131 in village Matouli.

B-C Line passes through plot Nos. 131, 132, 149, 152, 154, 156, 157, 206/597, 208, 210, 211, 200, 201, 198, 199, 203, 196, 197, 189, 195, 190, 191, 186, 185, 263, 262, 270, 302, 306, 444, 445, 444, 438, 437, 432, 474, 417, 395, 416, 412, 408, in village Matouli.

C-D Line passes along the North Eastern boundary of village Matouli.

D-E Line passes through Plot Nos. 514, 513, 522, 525 and 526 in village Matouli.

E-F Line passes along the part Southern boundary of village Matouli.

F-G Line passes along the part Eastern boundary of village Matouli.

G-A Line passes along part Southern boundary of Plot Nos. 535, 540 and through plot Nos. 541, 570, 569, 575, 581, in village Matouli and Plot Nos. 111, 109/172, 109, 111, 95/168, 95/167, 95, 95/162, 96, 97, 72, 73, 70, 69 in village Nigai.

SCHEDULE II

Drg. No. Rev./33/62 dt. 9-5-62.

Sl. No.	Village	Village No.	Tahsil	District	Areas	Remarks.
1. Matouli	.	446	Singrouli	Sidhi	3643.00	Part
2. Pijreh	.	328	„	„	946.46	Part
3. Kusbai (Keswahi)	.	88	„	„	1159.54	Full
TOTAL Area					5749.00 Acres (Approximately)	

Plot Nos. for undertaking mining operations in village Matouli.

1 to 106, 107(P), 108(P), 109(P), 110(P), 114(P), 115(P), 116 to 125, 131(P), 132(P), 149(P), 150, 151, 152(P), 153, 154(P), 155, 156(P), 157(P), 158 to 184, 185(P), 186 (P), 187, 188, 189(P), 190(P), 191(P), 195(P), 196(P), 197(P), 198(P), 199(P), 200(P), 201(P), 202 to 206, 208(P), 210(P), 211(P), 262(P), 263(P), 264 to 269, 279(P), 302(P), 306(P), 307 to 394, 395 (P), 396 to 402, 403(P), 412(P), 416(P), 417(P), 418 to 431, 432(P), 433 to 436, 437(P), 438(P), 439 to 443, 444(P), 445(P), 474(P), 171/596, 206/597(P), 362/599, 363 600, 396/601, 397 602, 22 607, 75/608, 159/610, 188 611, 197/212, 154/613, 315 620, 373 621, 372 622, 389 623, 423/628, 424/629, 435 632, 306/633.

Plot Nos. for undertaking mining operations in village Pijreh.

1 to 35, 36(P), 37, 38, 39(P), 42(P), 44(P), 45, 46(P), 47(P), 48(P), 86(P), 87(P), 91(P), 92 to 97, 98(P), 100(P), 101(P), 102 to 104, 105(P), 107(P), 108(P), 109(P), 110 to 115, 116(P), 117(P), 118(P), 119 to 181, 182(P), 192(P), 193(P), 195(P) 148/202 and 150/210.

Plot Nos. for undertaking mining operations in village Kusbai (Keswahi).

1 to 74.

Boundary Description

A-B line passes along the Western boundary of Plot Nos. 131, 125, through plot Nos. 114, 115, 110, 109, 108, 107 in village Matouli.

B-C line passes along the North-western boundary of village Matouli.

C-D line passes along Western-Northern-Eastern boundary of village Kusbai (Keswahi).

D-E line passes along the Northern boundary of villages Matouli and Pijreh.

E-F line passes through Plot Nos. 48, 47, 46, 44, 42, 39, 36, 108, 109, 108, 107, 116, 117, 105, 118, 105, 31, 91, 98, 101, 100, 182, 192, 193 and 195, in village Pijreh.

F-A line passes through Plot Nos. 403, 412, 416, 395, 417, 474, 432, 437; 438; 444; 445, 444, 305, 302, 270, 262, 263, 185, 186, 191, 190, 195, 189, 197, 196, 200, 199, 198, 201, 200, 211, 210, 208, 205/597, 157, 156, 154, 152, 149, 132, 131, in village Matouli.

[F. No. C2-25(1)/61.]

S.O. 2151.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

Drawing No. Rev/28/62 Dated 16th April 1962.

SCHEDULE*Block-III Giridih Coalfield*

Sl. No.	Village	Thana	Thana No.	District	Area in Acres	Remarks
1	Mangrodih	Giridih	233	Hazaribagh	.	Part
2	Dandidih	"	234	"	"	"

Total area 32.00 acres (Approx.)

Boundary Description

A-B line passes through village Mangrodih.

B-C line passes through villages Mangrodih and Dandidih.

C-D line passes through village Dandidih.

D-A line passes through village Dandidih and then along the common boundaries of villages Mangrodih and Paratdih.

The maps of the area covered by this notification can be inspected at the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi, or at office of the Deputy Commissioner, Hazaribagh.

[F. No. C2-20(18)/62.]

S.O. 2152.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein,

Drawing No. Rev./25/62 Dated 16th April, 1962.

SCHEDULE

Block-I Girdih Coalfield

Sl. No.	Village	Thana	Thana No.	District	Area in acres	Remarks
1	Chunjka	Giridih	238	Hazaribagh	.	Part
2	Burhiadih	"	280	"	.	"
3	Tikodih	"	278	"	.	"
4	Biswasdih	"	279	"	.	"
5	Bhorandi	"	275	"	.	"

Total area 384.00 acres (Approx)

Boundary Description

A-B line passes through villages Burhiadih, Bhorandi, Biswasdih and then for a some portion along the Eastern boundary of village Biswasdih.

B-C line passes through villages Biswasdih, Tikodih & Chunjka.

C-D line passes through village Chunjka.

D-A line passes through villages Chunjka, then for a some portion along the Eastern boundary of Chunjka and then through village Burhiadih.

The maps of the area covered by this notification can be inspected at the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi, or at office of the Deputy Commissioner, Hazaribagh.

[F. No. C2-20(18)/62.]

S.O. 2153.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

Drawing No. Rev/24/62 Dated 16th April 1962.

SCHEDULE

Block-II, Girdih Coalfield

Sl. No.	Village	Thana	Thana No.	District	Area in acres	Remarks
1	Mangrodih	Giridih	.	233 Hazaribagh	.	44.80 Part.
Total area				-	44.80 acres	(Approx)

Boundary Description

A-B line passes through village Mangrodih.

B-C line passes along the common boundary of village Mangrodih and Paratdih.

C-D line passes along the common boundary of village Mangrodih and Kuldih.

D-A line passes along the common boundary of village Mangrodih and Giridih.

The maps of the area covered by this notification can be inspected at the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi or at office of the Deputy Commissioner, Hazaribagh.

[F. No. C2-20(18)/62.]

P. S. KRISHNAN, Under Secy.

ERRATUM

New Delhi, the 3rd July 1962

S.O. 2154.—In the Schedule to the Notification of the Government of India, in the Ministry of Mines and Fuel No. S.O. 1334 dated the 24th April, 1962, published in Part II section (3) sub-section (ii) of the Gazette of India dated the 5th May, 1962:

- (i) at page 1478 in the twenty first line for the name of colliery For "Jaganath Pore Colliery" read "Jagannath Colliery";
- (ii) at page 1479 in the first line for "1800(P)", read "1809(P)", in the second line for "1833 to 1846(P)" read "1833 to 1846"; and in fourteenth line for "2905(P)" read 2906(P).

[No. C2. 21(4)/60.]

A. S. GREWAL, Dy. Secy.

MINISTRY OF STEEL AND HEAVY INDUSTRIES

(Department of Iron and Steel)

New Delhi, the 4th July 1962

S.O. 2155/ESS.COMM/IRON AND STEEL-2(c)/AM(94).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'MANIPUR' the following entries shall be added, namely:—

2	3
5. Deputy Commissioner.	4, 5, 18, 20 and 28.
6. Additional District Magistrate, Manipur, Imphal.	4, 5, 18, 20 and 28.
7. Development Commissioner, (Community Development).	4 and 5.
8. Additional Development Commissioner (Tribal Welfare).	4 and 5.
9. Director of Education.	4 and 5.
10. Director of Industries.	4 and 5.

[No. SC(A)-2(13)/62.]

H. S. GILL, Under Secy.

(Department of Iron & Steel)

New Delhi, the 6th July 1962

S.O. 2156/ESS.COMM/Iron & Steel—AM(66).—The following notification issued by the Iron and Steel Controller under proviso to clause 15 (1) of the Iron and Steel (Control) Order, 1956 is published for General information.

"NOTIFICATION

In exercise of the powers conferred by proviso to Sub-clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956, as amended from time to time, and with the approval of the Central Government the Iron and Steel Controller hereby notifies the following amendment to item T 5(ii) of Appendix I—Extras list of Iron and Steel Controller's Notification No. AP/87/SPL/1/62 dated 22nd March, 1962 published in Part III Section I of the Government of India Gazette dated 7th April, 1962.

Amendment.

Appendix I—Extras List.

Delete item T-5(ii) and

Substitute Item T-5(ii) quality extras for skelp for production of C.R. and E.R.W. Pipes.

Specn. No.	Extras Per M/Ton.
1,9 and 10	Rs. 74.00
3 and 6	Rs. 87.00
5.	Rs. 100.00

A. N. BANERJI,
Iron and Steel Controller".

[No. SC(C)-2(120)/60.]
M. PRASAD, Dy. Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

New Delhi, the 30th June 1962

S.O. 2157.—The following draft of rules for the purpose of facilitating and regulating the services of motor vehicles operating between India and any country contiguous to it and carrying passengers or goods or both by road for hire or reward, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1A) of section 92 of the Motor Vehicles Act, 1939 (4 of 1939) is hereby published, as required by sub-section (1) of section 133 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th August, 1962.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. Short title and commencement.—(1) These rules may be called the Motor Vehicles (Operation of Commercial Traffic between India and Contiguous Countries) Rules, 1962.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) "Act" means the Motor Vehicles Act, 1939 (4 of 1939);

(b) "certificate of fitness" means a certificate issued under section 38 or a similar certificate issued under any corresponding law of a contiguous country;

- (c) "commercial traffic" means motor vehicular traffic for the carriage of passengers or goods or both for hire or reward between India and contiguous countries;
- (d) "competent authority" means—
 - (i) in relation to a driving authorisation an authority competent to issue a licence to drive a transport vehicle,
 - (ii) in relation to a conductor's certificate, an authority competent to issue a conductor's licence;
- (e) "conductor's certificate" means a certificate issued under sub-rule (3) of rule 6;
- (f) "contiguous country" means any country contiguous to India;
- (g) "corresponding law" means a law of a contiguous country regulating the motor vehicular traffic in that country;
- (h) "driving authorisation" means an authorisation issued under sub-rule (3) of rule 5;
- (i) "form" means any of the forms given in Schedule I to these rules;
- (j) "insurance policy" means a policy of insurance which covers third party risk arising out of the use of a motor vehicle in a public place and which complies with the requirements of Chapter VIII of the Act, or similar policy issued under the corresponding law of a contiguous country and includes a cover note;
- (k) "permit" when used with reference to a transport vehicle of a contiguous country, means a document similar to a permit under Chapter IV of the Act, issued by a competent authority in that country and countersigned by such authority in India as may be notified in this behalf by the State Government concerned, and also specifying—
 - (i) the capacity of the vehicle,
 - (ii) the nature and amount of goods, if any that may be carried; and
 - (iii) the conditions subject to which the vehicle is to be brought into India and possessed and used there;
- (l) "registration certificate" when used with reference to a motor vehicle of a contiguous country, means the certificate issued by a competent authority to the effect that the motor vehicle has been duly registered in accordance with the provisions of any law of that country corresponding to Chapter III of the Act;
- (m) "section" means a section of the Act.

3. *Conditions applicable to transport vehicles of contiguous countries entering India.*—(1) A transport vehicle of a contiguous country at the time of entering India shall be so constructed and maintained as to be at all times under the effective control of the person driving the vehicle.

(2) There shall be in force in relation to a transport vehicle referred to in sub-rule (1)—

- (i) a registration certificate;
- (ii) a certificate of fitness;
- (iii) an insurance policy; and
- (iv) a permit.

(3) All the documents referred to in sub-rule (2) shall be in possession of the person driving the vehicle at the time the vehicle enters India and during the entire period of stay of the vehicle in India and shall always be available for inspection by any authority competent to inspect a transport vehicle in India.

(4) The person driving a transport vehicle of a contiguous country shall be in possession of a valid current driving licence to drive a transport vehicle and a driver's badge issued by a competent authority of the contiguous country.

(5) A conductor, if any, of a public service vehicle shall be in possession of a valid current conductor's licence and a conductor's badge issued by a competent authority of the contiguous country.

(6) If, for any reason, a driver or conductor referred to in sub-rule (4) or (5) is unable to perform his duties, a driver or conductor in possession of

a valid current licence and a badge issued by a competent authority in India may drive or conduct such vehicle.

(7) Throughout his stay in India, whether on duty or otherwise, a conductor or driver shall display on his left breast his badge and shall be subject to the provisions of the Motor Transport Workers Act, 1961 (27 of 1961).

4. Conditions applicable to transport vehicles of India entering a contiguous country.—(1) A transport vehicle registered in India at the time of entering a contiguous country shall be so constructed and maintained as to be at all times under the effective control of the person driving the vehicle.

(2) There shall be in force in relation to a transport vehicle referred to in sub-rule (1)—

- (i) a certificate of registration;
- (ii) a certificate of fitness;
- (iii) an insurance policy; and
- (iv) a permit.

(3) The person driving the vehicle shall be in possession of a valid current driving authorisation and also a driver's badge issued under rule 13.

(4) A conductor of a public service vehicle shall be in possession of a valid current conductor's certificate and also a conductor's badge issued under rule 13.

(5) Throughout his stay in the contiguous country a conductor or driver shall display his badge on his left breast.

5. *Driving authorisation*.—(1) A driver desiring to drive a transport vehicle registered in India and plying between India and a contiguous country shall apply in Form 'A' to the competent authority for the grant of a driving authorisation.

(2) An application for the grant of a driving authorisation shall be accompanied by the driving licence and two clear copies of a recent photograph of the applicant.

(3) Upon receipt of an application under sub-rule (1), the competent authority having regard to the record and conduct of the applicant and after making such enquiry as may reasonably be necessary, may grant a driving authorisation in Form 'B' within sixty days of the date of receipt of application, and shall also return the driving licence to the applicant by registered post or deliver it to the applicant if he appears personally.

(4) If the competent authority, after making the enquiry referred to in sub-rule (3), is satisfied that the applicant should not be granted a driving authorisation, it shall record in writing the reasons therefor and communicate its decision to the applicant in Form 'C' within sixty days of the date of receipt of the application together with a brief statement of its reasons, unless in any case the competent authority is of opinion that it will not be in the public interest to furnish such statement. It shall also return the driving licence and copies of his photograph to the applicant by registered post.

(5) A driving authorisation shall be valid for a period of one year from the date of issue.

6. *Conductor's certificate*.—(1) A conductor desiring to work as a conductor of a public service vehicle registered in India and plying between India and a contiguous country shall apply in Form 'D' to the competent authority for the grant of a conductor's certificate.

(2) An application for the grant of a conductor's certificate shall be accompanied by the conductor's licence and two clear copies of a recent photograph of the applicant.

(3) Upon receipt of an application under sub-rule (1), the competent authority, having regard to the record and conduct of the applicant and after making such enquiry as may reasonably be necessary, may grant a conductor's certificate in Form 'E' within sixty days from the date of receipt of the application and shall also return the conductor's licence to the applicant by registered post.

(4) If the competent authority, after making the enquiry referred to in sub-rule (3), is satisfied that the applicant should not be granted a conductor's certificate, it shall record in writing the reasons therefor and communicate its decision to the applicant in Form 'C' within sixty days of the date of receipt of the application together with a brief statement of its reasons, unless in any case the competent authority is of opinion that it will not be in the public interest to furnish such statement. It shall also return the conductor's licence and copies of his photograph to the applicant by registered post.

(5) A conductor's certificate shall be valid for a period of one year from the date of issue.

7. *Renewal of driving authorisation and conductor's certificate.*—(1) An application for the renewal of a driving authorisation or a conductor's certificate shall be made in Form 'F' to the competent authority which issued the authorisation or certificate or if the holder has changed his residence, otherwise than by way of temporary absence from his usual place of residence, to the competent authority of the area in which he is residing. The application shall be accompanied by the driving authorisation, or, as the case may be, the conductor's certificate.

(2) Upon receipt of an application for the renewal of the driving authorisation or a conductor's certificate, the competent authority, having regard to the record and conduct of the applicant and after making such enquiry as may reasonably be necessary, may renew the driving authorisation or the conductor's certificate or reject the applicant after recording the reasons therefor:

Provided that where the competent authority is of opinion that it is not in the public interest to disclose the reasons, it shall not be bound to disclose them.

(3) The renewed driving authorisation or conductor's certificate or the intimation of rejection of application shall be communicated to the applicant by registered post.

(4) When the authority renewing the driving authorisation or conductor's certificate is not the authority which issued it, it shall intimate the fact of renewal in Form 'G' to the authority which issued the driving authorisation or the conductor's certificate, as the case may be.

8. *Requirements as to photographs.*—(1) The copies of photograph required by sub-rule (2) of rules 5 and 6 shall be of a size not more than two inches by two and a half inches. It shall be in black and white colour on glazed paper.

(2) The photograph when affixed to a driving authorisation or conductor's certificate shall be sealed with the seal of the competent authority in such manner that part of the impression of the seal is upon the photograph and part on the margin.

(3) If at any time it appears to the competent authority that the photograph affixed to a driving authorisation or a conductor's certificate has ceased to be a clear likeness of the holder, the competent authority may require the holder to surrender the driving authorisation or conductor's certificate, as the case may be, and to furnish two copies of recent photograph of himself and the holder shall within such time as the competent authority may specify, appear before the competent authority and present the photograph.

(4) Upon receipt of copies of the photograph as provided in sub-rule (3), the competent authority shall remove the old photograph from the driving authorisation or conductor's certificate, as the case may be, and affix thereto one copy of the new photograph, seal it with its seal and return the driving authorisation or conductor's certificate to the holder:

Provided that if the holder of the driving authorisation or conductor's certificate so desires, the competent authority shall issue a duplicate thereof on payment of the prescribed fee with a copy of the new photograph affixed thereto and shall destroy the original driving authorisation or conductor's certificate, as the case may be.

(5) Where a new photograph is affixed to a driving authorisation or conductor's certificate the date on which it is affixed shall be entered upon the photograph.

9. Issue of duplicate of driving authorisation or conductor's certificate.—When a duplicate driving authorisation or a duplicate conductor's certificate is issued, it shall be clearly stamped "DUPLICATE" in red and shall be marked with the date of issue and the seal of the competent authority.

10. Particulars to be painted on motor vehicles.—In addition to the registration number assigned to the transport vehicle by the competent authority in India or in the contiguous country, as the case may be, the following particulars shall be painted in English letters in red colour on white surface on both the sides of the transport vehicle, each letter being not less than one inch high and one inch wide legibly painted on a plane surface or a plate or plates affixed to the vehicle:—

- (i) names of the countries involved in the operation of services;
- (ii) nature of service provided (goods or passengers or both); and
- (iii) starting and terminal points in each country.

11. Use of trailers.—(1) Trailers may be permitted to be attached to the vehicles subject to such conditions and restrictions as may be specified in the agreement with the contiguous country.

(2) When a trailer is attached, the particulars mentioned in rule 10 shall be painted on it in the same manner as on the transport vehicle.

12. Counter-signature on permit.—The competent authority in India shall, after making such enquiry as it considers necessary, countersign the permit in respect of the transport vehicles of a contiguous country.

13. Issue of metal badge.—The competent authority in India issuing a driving authorisation or a conductor's certificate shall also simultaneously issue a metal badge to the driver or the conductor in the form prescribed in Schedule II or Schedule III to these rules, as the case may be.

14. Replacement of documents.—(1) If at any time it appears to the competent authority in India that a driving authorisation or a conductor's certificate of the driver or the conductor, as the case may be, of a motor vehicle registered in India is so torn or defaced in any way as to cease to be reasonably legible, the competent authority may impound it and issue a duplicate thereof.

(2) If at any time any document required to be kept by a driver or a conductor of a contiguous country under these rules is lost in transit or in India, the driver or the conductor, as the case may be, shall report the loss to the competent authority in India which may issue to him a Temporary Authority in Form H for the period of stay of the transport vehicle in India to enable the driver or the conductor, as the case may be, to return to his country and obtain duplicate copies of such document from the competent authority of that country.

(3) If at any time any document referred to in rule 4 is lost in transit or in the contiguous country, the driver or the conductor, as the case may be, shall report the loss to the competent authority in the contiguous country with a view to obtaining a temporary authority for the period of stay of the vehicle in that country.

(4) If any person finds a driving authorisation or a conductor's certificate, he shall return it to the holder thereof or to the nearest Police Station. The officer-in-charge of the Police Station, on receipt of the driving authorisation or the conductor's certificate, shall immediately forward it to the State Government for being transmitted to the competent authority which shall restore it to the holder thereof in case a duplicate thereof has not been issued and shall substitute it for the duplicate if the duplicate has already been issued, provided that the fee charged for the duplicate document shall not be refundable.

15. Fees.—The fees chargeable under these rules for the issue of a duplicate driving authorisation or conductor's certificate shall be two rupees.

16. Maintenance of way bills.—The transport vehicles plying between India and a contiguous country shall maintain such statistics as may be required by the authority competent to countersign permits.

17. Prohibition of 'home' traffic.—No transport vehicle plying between India and a contiguous country shall transport passengers or goods between any two

points falling in the same country, that is, no such vehicle shall either set down passengers or goods in the country from which it starts or pick up passengers or goods in the country to which it goes.

18. *Special provision for tourists' buses.*—Subject to such conditions as may be laid down in the reciprocal arrangement referred to in sub-section (1A) of section 92, the provisions of these rules relating to counter-signature of permits, possession of a driving authorisation and a conductor's certificate, painting of particulars on the vehicles, and possession of badges of drivers and conductors, shall not apply to casual trips of tourists' buses, if only the same passengers are carried on the same vehicle during the whole of the journey including the return journey.

19. *Appeals.*—(1) Any person aggrieved by the refusal of the competent authority to grant or renew a driving authorisation or conductor's certificate, as the case may be, may, within thirty days from the date of receipt of the communication of such refusal, appeal to such authority as may be prescribed in this behalf by the State Government concerned.

(2) An appeal under this rule shall be forwarded in triplicate in the form of a memorandum which shall set forth precisely the grounds on which the appellant disputes the order. It shall be accompanied by a certified copy of the order appealed against.

(3) The authority referred to in sub-rule (1) shall call for the records of the case and after such enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order against which the appeal is preferred.

20. *Miscellaneous.*—(1) Nothing in these rules shall be construed as exempting any person from the rules or regulations regarding visas, passports and permits, wherever they are applicable.

(2) Any officer of customs, police or health authorised in this behalf by the Central Government or the State Government as the case may be, shall have the right to inspect or search the vehicle, its cargo or its passengers as and when necessary, and shall have the right to stop the vehicle at any time without assigning any reason or giving prior notice.

SCHEDULE I

FORM A

[See rule 5(1)]

To

.....
.....
.....

PART I

I hereby apply for the grant of a driving authorisation to drive a @public service vehicle/goods vehicle between t.....(India) and t.....
(.....)

I hold driving licence No..... issued by

I have never been convicted of any offence.

@ I have the following convictions:—

.....
.....
.....

PART II

Particulars to be furnished by the applicant

1. Full name and name of father or husband.....
2. Date and place of birth.....

3. Present address.....

4. Permanent address.....

The driving licence and two recent photographs of myself are attached hereto.

I declare that to the best of my knowledge and belief the above particulars and statements are correct.

Signature of applicant.

Space for duplicate
signature of applicant.

* Insert the designation, etc., of competent authority.

@ Strike out whichever is not applicable.

† Insert the name of the place and of the State.

‡ Insert the name of the place and the contiguous country.

BY REGISTERED POST

INDIA

GOVERNMENT OF..... STATE

FORM B

[See rule 5(3)]

Driving Authorisation

Shri/Kumari/Shrimati.....
son of/daughter of/wife of.....
of (Present address).....
(Permanent address).....
.....
.....

Space for photograph

Space for pasting duplicate
signature of applicant
from Form A

..... is authorised to drive a public service vehicle/goods vehicle for plying between..... and.....

This authorisation is valid from..... to.....
and is not transferable.

Dated..... 19.....

Signature and designation of
Competent Authority.

The authorisation is hereby renewed upto the..... day of..... 19.....

Signature of Competent Authority.

The authorisation is hereby renewed upto the..... day of..... 19.....

Signature of Competent Authority.

The authorisation is hereby renewed upto the..... day of..... 19.....

Signature of Competent Authority.

BY REGISTERED POST

GOVERNMENT OF STATE

FORM C

[See rule 5(4) and 6(4)]

No.

Date.

Place.

With reference to his/her application dated for the grant of a driving authorisation, @ Shri/Kumari/Shrimati conductor's certificate son of/daughter of/wife of is informed that he/she cannot be granted a driving authorisation. conductor's certificate.

The @ driving licence and two photographs received with the conductor's certificate application referred to above are returned herewith.

Signature and designation of Competent Authority.

To

@ Strike out whichever is not applicable.

FORM D

[See rule 6(1)]

Application for Conductor's Certificate

To

PART I

I hereby apply for the grant of a conductor's certificate to conduct public service vehicle between t..... (India) and t..... ()

I hold conductor's licence No. issued by * I have never been convicted of any offence.

@ I have the following convictions:—

.....
.....
.....

PART II

Particulars to be furnished by the applicant

1. Full name and name of father or husband.....
2. Date and place of birth.....
3. Present address.....
4. Permanent address.....

The conductor's licence and two recent photographs of myself are attached hereto.

I declare that to the best of my knowledge and belief the above particulars and statements are correct.

Signature of applicant.

Space for duplicate signature of applicant.

* Insert the designation, of competent authority.

† Insert the name of the place and of the State.

‡ Insert the name of the place and of the contiguous country.

④ Strike out whichever is not applicable.

BY REGISTERED POST

INDIA

GOVERNMENT OF STATE

FORM 'E'

[See rule 6(3)]

Conductor's Certificate

Shri/Kumari/Shrimati.....
son of/daughter of/wife of.....
of (Present address).....
(Permanent address).....
.....

Space for photograph

Space for pasting duplicate signature of applicant from Form D

is authorised to serve as a conductor on a public service vehicle plying between and and he/she has been supplied with badge No.....

The certificate is valid from..... to..... and is not transferable.

Dated..... 19

Signature and designation of competent authority.

The certificate is hereby renewed upto the..... day of 19

Signature of competent authority.

The certificate is hereby renewed upto the..... day of 19

Signature of competent authority.

The certificate is hereby renewed upto the..... day of 19

Signature of competent authority.

FORM 'F'

[See rule 7(1)]

Application for the renewal of @ driving authorisation/conductor's certificate.
To

.....
.....
.....

I, son of/daughter of/
wife of born on at
Present address
(Permanent address)

hereby apply for the renewal of @ driving authorisation which is attached
and particulars of which are as follows:—

(1) Number.....

(2) Date of issue.....

(3) Competent Authority by which the @ driving authorisation
conductor's certificate
was issued.

I hereby declare that from the date of issue of the @ driving authorisation
conductor's certificate.

I have never been convicted of any offence.
@ I have the following convictions:—

Signature of the applicant.

Date 19

@ Strike out whichever not applicable.

GOVERNMENT OF.....

FORM 'G'

[See rule 7(4)]

Form of intimation of renewal of a driving authorisation.
conductor's certificate.

From

To

Driving authorisation

No. dated.....

Conductor's Certificate
Issued by you in favour of

Name.....

Name of father.....

Permanent address.....

has been renewed by me for a period of one year with effect from the
..... day of 19

Signature of competent authority.

Dated..... 19

* Insert the designation of competent authority.

BY REGISTERED POST

INDIA

GOVERNMENT OF..... STATE

FORM 'H'

[See rule 14(2)]

Temporary Authority

Dated
Place.....

No.....

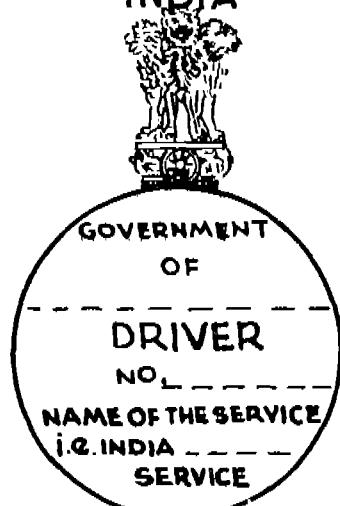
Shri/Kumari/Shrimati.....
son of/daughter of/wife of.....
resident of..... who is working as a
driver..... of transport vehicle registered in.....
conductor
under No..... Make..... Model.....
plying between..... and has lost the
following documents, necessary details in respect of which are given below:—

- (1)
- (2)
- (3)
- (4)

As the duplicate of the document mentioned above can be obtained only
from the competent authority in..... this Temporary
Authority is issued to him/her. It shall be deemed to be a substitute for the
document lost for the entire period of his/her stay in.....
upto
Place.

Designation of Competent
Authority.

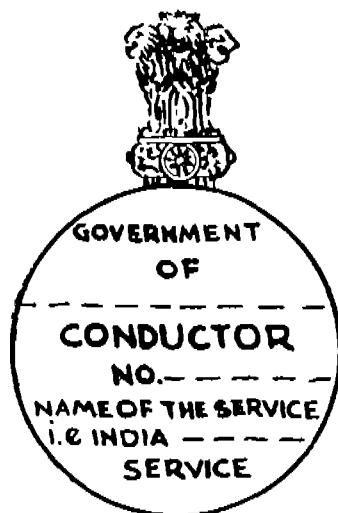
[SEE RULE-13]
DRIVER'S BADGE
INDIA



SCHEDULE II

Note:- Badge to be of a circular shape with 2" diameter.

[SEE RULE-13]
CONDUCTOR'S BADGE
INDIA



SCHEDULE III

Note:- Badge to be of a circular shape with 2" diameter.

(Departments of Communications & Civil Aviation—P&T. Board)

New Delhi, the 9th July 1962

S.O. 2158.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules, 1951, namely:—

1. (1) These rules may be called the Indian Telegraph (Eighth Amendment) Rules, 1962.

(2) They shall come into force on the 1st October 1962.

2. In rule 451 of the Indian Telegraph Rules, 1951, for para 'A', the following para shall be substituted, namely:—

"A. Trunk charges for unit call of ordinary category shall be calculated as follows:—

Radial distance between any two exchanges	charge
Upto 20 kilometres	Rs.-n.P. 0-30
Exceeding 20 Km. but not exceeding 40 Km.	0-60
Exceeding 40 Km. but not exceeding 60 Km.	0-90
Exceeding 60 Km. but not exceeding 80 Km.	1-20
Exceeding 80 Km. but not exceeding 150 Km.	2-00
Exceeding 150 Km. but not exceeding 300 Km.	3-00
Exceeding 300 Km. but not exceeding 400 Km.	4-00
Exceeding 400 Km. but not exceeding 500 Km.	5-00
Exceeding 500 Km. but not exceeding 700 Km.	7-00
Exceeding 700 Km. but not exceeding 900 Km.	8-00
Exceeding 900 Km. but not exceeding 1100 Km.	9-00
Exceeding 1100 Kilometres	12-00."

[No. 8-109/60-R.]

New Delhi, the 9th July, 1962

S.O. 2159.—In pursuance of para (a) of Section III, of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st August, 1962, as the date on which the Measured Rate System will be introduced in Moradabad Telephone Exchange.

[No. 31/16/61-PHB.]

D. R. NARANG, Asstt. Dir. General (Rates).

MINISTRY OF FOOD & AGRICULTURE
(Department of Agriculture)

New Delhi, the 6th July 1962

S.O. 2160.—In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published as required by that section.

CHILLIES GRADING AND MARKING RULES, 1962

1. **Short title and application.**—(1) These rules may be called the "Chillies Grading and Marking Rules, 1962".

(2) They shall apply to chillies (*Capsicum annuum*) produced in India which are of the trade descriptions set out in the Schedules to these rules and which are intended for export.

2. **Definitions.**—In these rules,—

(a) 'Agricultural Marketing Adviser' means the Agricultural Marketing Adviser to the Government of India;

(b) "Schedule" means a Schedule to these rules.

3. Grade designations.—Grade designations to indicate the quality of chillies shall be as set out in column 1 of Schedules I to V.

4. Definition of quality.—The grade designation shall be as set out against each grade I to V.

5. Grade designation marks.—The grade designation mark shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word 'Agmark' and the figure of the rising sun with the words 'Produce of India') resembling that set out in Schedule VI.

6. Method of Marking.—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser. The following particulars shall also be clearly marked on the label:

1. Serial Number.
2. Trade description.
3. Date of packing.
4. Season of harvest.

In addition, each container shall be marked with such particulars and in such manner as may be specified by the Agricultural Marketing Adviser from time to time.

(2) An authorised packer may, after obtaining the previous approval of the Agricultural Marketing Adviser, mark his private trade mark on a container in a manner approved by the said Officer, provided that the private trade mark does not represent a quality or grade of chillies different from that indicated by the grade designation mark affixed on the container in accordance with these rules.

7. Method of Packing.—(1) Only clean and sound gunny bags shall be used for packing chillies which shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser from time to time.

(2) Each package or container shall contain chillies of one grade designation only.

8. Special conditions of certificate of authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, except clause (c) of the said rule 4, the conditions set out in Schedule VII shall be the conditions of every certificate of authorisation issued for the purpose of these rules.

SCHEDULE I
(See rules 3 and 4)

Grade designations and definitions of quality of chillies commercially known as SANNAM, produced in the State of Madras and harvest in January-August

Grade designation	Trade Name	Length in C.M.	Special characteristics							General characteristics.	
			Colour	Maximum limit of tolerance							
				Damaged and discoloured pods.	Pods without Stalk	Moisture	Loose seed	Foreign matter	Broken chillies.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
M. S. S. .	Madras Sannam Special	5 and above	Light red shining	(Percent) 2.00	(Percent) 2.00	(Percent) 10.00	(Percent) 1.00	(Percent) 1.00	(Percent) 5.00	Chillies shall— (a) be the dried ripe fruits belonging to the species <i>Capicum annuum L</i> (b) have shape, pungency and seed contents normal to the variety. (c) be free from mould or insect damage and be in sound condition, and fit for human consumption. (d) be current year's crop and shall be free from extraneous colouring matter oil and other harmful substances.	
M. S. G. .	Madras Sannam General	Below 5 and above 3	Light red shining	3.00	2.00	10.00	1.00	1.00	5.00		

Basis of quantitative determination :—All determinations and percentages shall be reckoned on the basis of the total weight of representative samples.

Length :—The tolerance specified in column 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point (where the stalk is attached.)

Discoloured Pods :—Pods having brown, black, white and other coloured patches will be considered as discoloured pods.

Foreign matter :—All extraneous matter including clayx pieces and loose stalks will be treated as foreign matter. For accidental errors, a tolerance is permissible upto 5.0 per cent in excess of the tolerance specified under column 3 in respect of M.S.S. grade and up to 5.0 per cent in excess of the tolerance specified in column 3 under M.S.G. Grade. For accidental errors, a tolerance of 0.5 per cent under column 5 and 1.0 per cent under column 6 is permissible for both the grades.

SCHEDULE II

(See rules 3 and 4)

Grade designations and definitions of quality of chillies commercially known as SANNAM, produced in the State of Madras and harvested in September-December

Grade designation	Special characteristics										General characteristics.	
	Trade Name	Length in C.M.	Colour	Maximum limit of tolerance								
				Damaged and discoloured pods	Pods without stalk	Moisture	Loose seed	Foreign matter	Broken chillies			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)		
(Percent)												
M. S. S. .	Madras Sannam Special	5 and above	Light red shining to light red dull	5.00	10.00	10.00	3.00	1.00	0.50	Chillies shall—		
										(a) be the dried ripe fruits belonging to the species.		
M. S. G. .	Madras Sannam General	Below 5 and above 3	Light red shining to Light red dull	5.00	20.00	10.00	3.00	1.00	2.00	<i>Capsicum annuum L</i>		
										(b) have shape, pungency and seed contents normal to the variety.		
										(c) be free from mould or insect damage and be in sound condition and fit for human consumption.		
										(d) be current year's crop and shall be free from extraneous colouring matter oil and other harmful substances.		

Basis of quantitative determinations :—All determinations and percentages shall be reckoned on the basis of the total weight of representative samples. *Length* :—The tolerance specified in column 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point (where the stalk is attached).

Discoloured pods :—Pods having brown, black, white and other coloured patches will be considered as discoloured pods.

Foreign matter :—All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter. For accidental errors, a tolerance is permissible upto 5.0 per cent in excess of the tolerance specified under column 3 in respect of M.S.S. grade and upto 5.0 per cent in excess of tolerance specified in column 3 under M.S.G. Grade. For accidental errors, a tolerance of 0.5 per cent under column 5 and 1.0 per cent under column 6 is permissible for both the grades.

SCHEDULE III
(See rules 3 and 4)

Grade designations and definitions of quality of chillies commercially known as MUNDU, produced in Ramathapuram district of Madras State.

Grade designation	Trade Name	Length in C.M.	Colour	Special characteristics						General characteristics	
				Maximum limits of tolerance							
				Damaged and dis-coloured pods.	Pods without stalk	Moisture	Loose Seed	Foreign matter	Broken chillies		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
				(Percent)	(Percent)	(Percent)	(Percent)	(Percent)	(Percent)		
M. M. S. .	Madras Mundu special	Not exceeding 2.5 c.m.	Deep red shinning	2.00	5.00	10.00	1.00	1.00	1.00	Chillies shall— (a) be the dried ripe fruits belonging to the species.	
M. M. G. .	Madras Mundu General	Do.	Deep red shinning.	4.00	10.00	10.00	1.00	1.00	1.00	<i>Capsicum annuum L.</i> (b) have shape, pungency and seed contents normal to the variety. (c) be free from mould or insect damage and be in sound condition and fit for human consumption. (d) be current year's crop and shall be free from extraneous colouring matter, oil and other harmful substances.	

Basis of quantitative determinations:—All determinations and percentages shall be reckoned on the basis of total weight of representative samples.

Length:—Tolerance specified in column 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point (where the stalk is attached).

Discoloured pods:—Pods having brown, black white and other coloured patches will be considered as discoloured pods.

Foreign matter:—All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter. For accidental errors, a tolerance of 0.5 per cent under column 5 and 1.0 per cent under column 6 is permissible for both the grades.

SCHEDULE IV
(See rules 3 and 4)

Grade designations and definitions of quality of chillies commercially known as RARI (Patarki or Pathi), produced in the State of Bihar

Grade Designation	Trade Name	Length in C.M.	Colour	Special characteristics.						General characteristics.	
				Maximum limits of tolerance							
				Damaged and discoloured pods	Pods without stalk	Moisture	Loose seed	Foreign matter	Broken chillies		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
				(Percent)	(Percent)	(Percent)	(Percent)	(Percent)	(Percent)		
B. R. S. .	Bihar Rari special.	8 and above.	Bright red.	1.00	2.00	10.00	1.00	1.00	5.00	Chillies shall— (a) be the dried ripe fruits belonging to the species. <i>Capiscum annuum L.</i>	
B. R. G. .	Bihar Rari General	Below 8 and above 6	Do.	2.00	2.00	10.00	1.00	1.00	5.00	(b) have shape, pungency and seed contents normal to the variety. (c) be free from mould or insect damage and be in sound condition and fit for human consumption. (d) be current year's crop and shall be free from extraneous colouring matter, oil and other harmful substances.	

Basis of quantitative determinations :—All determinations and percentages shall be reckoned on the basis of the total weight of representative samples.
Length :—The tolerance specified in column 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruits to the pedicel point (where the stalk is attached).

Discoloured pods :—Pods having brown, black, white and other coloured patches will be considered as discoloured pods.

Foreign matter :—All extraneous matter including calyx pieces and loose stalk will be treated as foreign matter. For accidental errors, a tolerance is permissible upto 5.0 per cent in excess of the tolerance specified under column 3 in respect of B.R.S. grade and upto 5.0 per cent in excess of tolerance specified in column 3 under B.R.G. grade. For accidental errors, a tolerance of 0.5 per cent under column 5 and 1.0 per cent under column 6 is permissible for both the grades.

Schedule V
(See rules 3 and 4)

Grade designations and definitions of quality of chillies commercially known as GOSPUREA, produced in the State of Bihar.

Grade Designation	Trade Name	Length in C.M.	Colour	Special characteristics.							General characteristics	
				Maximum limits of tolerance								
				Damaged and discoloured pods	Pods without stalk	Moisture	Loose seed	Foreign matter	Broken chillies			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)		
				(Percent)	(Percent)	(Percent)	(Percent)	(Percent)	(Percent)			
B. G. S.	Bihar Gospurea Special.	5 and above 5.	Bright red	2.00	2.00	10.00	1.00	1.00	5.00	Chillies shall— (a) be the dried ripe fruits belonging to the species. <i>Capsicum annuum L.</i> (b) have shape, pungency and seed contents normal to the variety. (c) be free from mould or insect damage and be in sound condition and fit for human consumption. (d) be current year's crop and shall be free from extraneous colouring matter oil and other harmful substances.		
B. G. G.	Bihar Gospurea General.	Below 5 and above 3.	Do.	3.00	2.00	10.00	1.00	1.00	5.00			

Basis of quantitative determinations :—All determinations and percentages shall be reckoned on the basis of the total weight or representative samples. *Length* :—The tolerance specified in column 3 shall be based upon the average length of 20 fruits selected at random. The measurement will be taken from the tip of the fruit to the pedicel point where the stalk is attached).

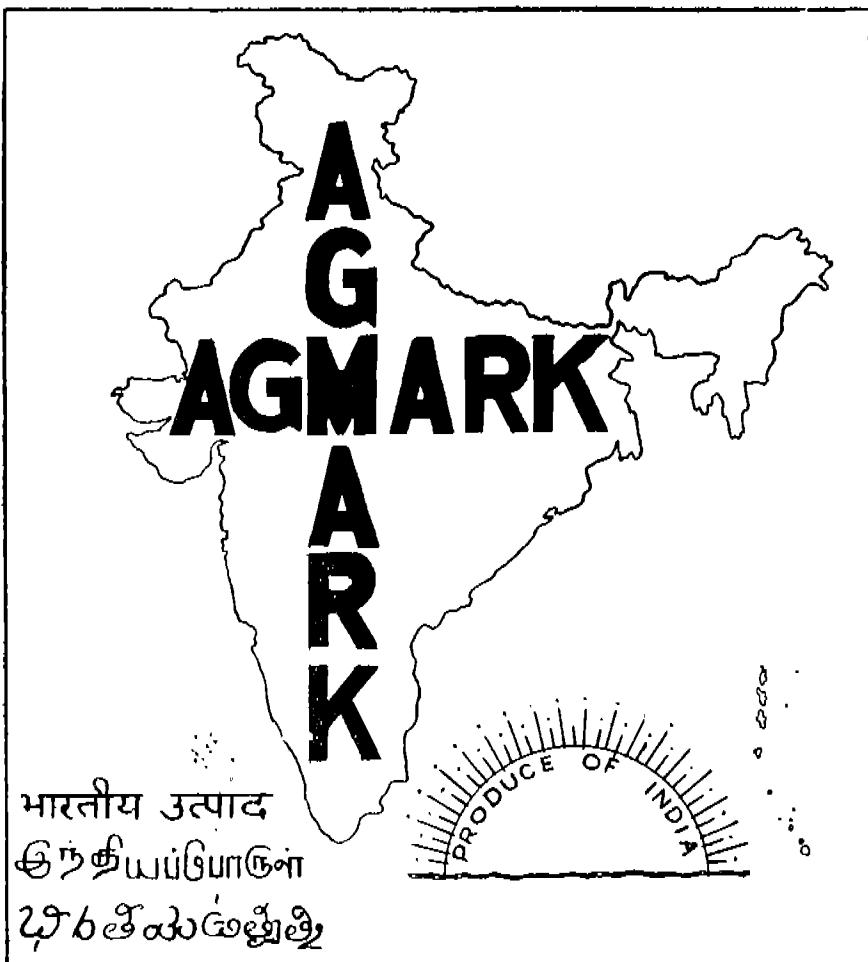
Discoloured pods :—Pods having brown, black, white and other coloured patches will be considered as discoloured.

Foreign matter :—All extraneous matter including calyx pieces and loose stalks will be treated as foreign matter. For accidental errors, a tolerance is permissible upto 5.0 per cent in excess of the tolerance specified under column 3 in respect of B.G.S. grade and upto 5.0 per cent in excess of tolerance specified in column 3 under B.G.G. Grade. For accidental errors, a tolerance of 0.5 per cent under column 5 and 1.0 per cent under column 6 is permissible for both the grades.

SCHEDULE VI

(See rule 5)

MAP OF INDIA



NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

SCHEDULE VII

(See rule 8)

Conditions of certificate of authorisation.

- (a) An authorised packer shall make such arrangements for testing chillies as may be prescribed from time to time by the Agricultural Marketing Adviser.
- (b) An authorised packer shall provide such facilities to the Inspecting Officer duly authorised by the Agricultural Marketing Adviser for the sampling, testing and affixation of grade designation marks as may be specified from time to time by the Agricultural Marketing Adviser.
- (c) All instructions regarding the methods of sampling, analysis, packing, etc. which may be issued by the Agricultural Marketing Adviser shall be strictly observed.

[No. F. 1-12/61-AM(II).]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

New Delhi, the 9th July 1962

S.O. 2161.—Whereas the Municipal Corporation of Delhi has duly elected Shri Kashmiri Lal as its representative on the Animal Welfare Board;

And whereas the Lok Sabha has duly elected Shrimati Sangam Laxmi Bai, Shri Seth Achal Singh, Shri Gajraj Singh and Shri Sivamurthi Swami as its representatives on the said Board;

And whereas the Rajya Sabha has duly elected Shri Khandubhai K. Desai as its representative on the said Board,

Now therefore in pursuance of sub-section (1) of Section 4 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 921, dated the 20th March, 1962, establishing the Animal Welfare Board, namely:—

In the said notification,—

(a) in item 8, for the entry in the first column, the following entry shall be substituted, namely:—

“Shri Kashmiri Lal, Municipal Councillor, Town Hall, Delhi”;

(b) for the entries in the first column against items 18, 19, 20 and 21, the following entries shall respectively be substituted, namely:—

“Shrimati Sangam Laxmi Bai, 17, South Avenue, New Delhi.

Shri Seth Achal Singh, 87, North Avenue, New Delhi.

Shri Gajraj Singh, 175, South Avenue, New Delhi, and

Shri Sivamurthi Swami, 7, Turkman Road, New Delhi”;

(c) in item 23, for the entry in the first column, the following entry shall be substituted, namely:—

“Shri Khandubhai K. Desai, 4, Ferozeshah Road, New Delhi”.

[No. 9-6/62-LD.]

K. C. SARKAR, Under Secy.

(Department of Agriculture)

(I.C.A.R.)

New Delhi, the 30th June 1962

S.O. 2162.—The Bombay Chamber of Commerce having nominated Shri R. K. Lal of Hindustan Lever Ltd., Ballard Estate, Bombay vice Shri M. Mathias, as a member of the Indian Central Coconut Committee under clause (e) of section 4 of the Indian Coconut Committee, Act 1944 (X of 1944) the Central Government hereby notifies that Shri R. K. Lal aforesaid shall be member of the said Committee for the period ending 31st March, 1965.

[No. 12-9/62-Com.I.]

New Delhi, the 3rd July 1962

S.O. 2163.—The Rajya Sabha having elected Shri N. M. Anwar, as a member of the Indian Central Oilseeds Committee to represent consumers of Oilseed products, under clause (s) of Section 4 of the Indian Oilseeds Committee Act (1946) (9 of 1946), the Central Government hereby notify that the said Shri N. M. Anwar shall be a member of the said Committee with effect from 21st June, 1962.

[No. 8-46/62-Com.II.]

New Delhi, the 4th July 1962

S.O. 2164.—The Government of Bihar having nominated the Director of Agriculture Bihar as a member of the Indian Central Oilseeds Committee to represent the State Government under Section 4(e) of the Indian Oilseeds Committee Act 1946 (9 of 1946), the Central Government hereby notifies that the Director of Agriculture Bihar shall be member of the said Committee for a period ending 31st March, 1965.

[No. 8-22/62-Com.II.]

J. VEERA RAGHAVAN, Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 10th July 1962

S.O. 2165.—In exercise of the powers conferred by clause (d) of sub-section (1) of Section 57, read with section 11 of the Delhi Development Act 1957 (61 of 1957), the Delhi Development Authority, with the previous approval of the Central Government, hereby makes the following regulations, namely:—

1. Short title.—These regulations may be called the Delhi Development Authority (Publication of Approval of Plan) Regulations, 1962.

2. Publication of notice under section 11.—(1) The notice under section 11 of the Delhi Development Act, 1957 (61 of 1957) shall be published in the Gazette of India.

(2) The notice shall also be published by affixing copies thereof in the offices of the Delhi Development Authority, Municipal Corporation of Delhi, New Delhi Municipal Committee and the Delhi Administration Secretariat. It shall also be published by advertisement in at least two local newspapers.

(3) This notice may be in the form appended to this regulation, with such modification, if any, as may be necessary.

APPENDIX

Notice under section 11 of the Delhi Development Act 1957 (61 of 1957)

Notice is hereby given that—

(a) The Central Government have under sub-section (2) of section 9 of the Delhi Development Act, 1957 (61 of 1957) approved the Master Plan of Delhi for

Zonal Development Plan

(b) A copy of the plan as approved may be inspected at the office of the Delhi Development Authority, Vikas Bhawan, Indraprastha Estate, New Delhi-1, between the hours of 11-00 A.M. and 3-00 P.M. on all working days.

[No. F. 1(17)/62-GA.]

R. K. VAISH, Secy.

MINISTRY OF WORKS, HOUSING & SUPPLY

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 2nd July 1962

S.O. 2166.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, the Central Government hereby appoints Shri Nawal Kishore Tandon as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/212/ARG/61.]

New Delhi, the 3rd July 1962

S.O. 2167.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri Tikamdas Gehimal as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8(2)/ARG/62.]

S.O. 2168.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints Shri Devendra Nath as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/122/57-ARG.]

New Delhi, the 6th July 1962

S.O. 2169.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints Shri P. C. Soti as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 8/236/ARG-62.]

S.O. 2170.—In exercise of the powers conferred by Clause (a) of sub-section (2) of section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the State of Lucknow, Shri P. C. Soti, Managing Officer, in the office of the Regional Settlement Commissioner, Lucknow as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of his office.

[No. 8/236/ARG-62.]

KANWAR BAHADUR,
Settlement Commissioner (A) and *Ex-Officio*,
Dy. Secy. to the Govt. of India.

(Department of Rehabilitation)
(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 5th July 1962

S.O. 2171.—In the order issued in pursuance of Rule 11-D(D)(A) of Evacuee Interest (Separation) Rules, 1951 *vide* notification No. 5(24)/59-Prop. II-Comp, dated the 4th January, 1962 for the words and figures "30th June, 1962" the words and figures "31st December, 1962" may be substituted.

[No. 5(24)/59-Comp.&Prop.]

S. W. SHIVESHWARKAR, Jt. Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE

CORRIGENDUM

CENTRAL EXCISE

Bangalore, the 30th May 1962

S.O. 2172.—The following amendment is ordered in this office Notification (Central Excise) No. 6/62, dated 30th May, 1962.

The words "and processed Rayon or Art Silk" occurring in para 1 of the above Notification shall be deleted.

[No. 6/62.]

N. MOOKHERJEE,
Collector.

MINISTRY OF HEALTH

New Delhi, the 7th July 1962

S.O. 2173.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that the power to make orders under clauses (c), (e) and (f) and clauses (h), (i) and (j) in so far as they relate to clauses (c), (e) and (f) of sub-section (2) of section 3 of the said Act, shall, in relation to drugs, be exercisable also by the State Government of Maharashtra.

2. This order shall remain in force for a period of six months commencing on and from the date of its publication in the Gazette of India.

[No. F. 12-41/62-D.]

A. C. RAY, Under Secy.

New Delhi, the 7th July 1962

S.O. 2174.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby nominates Dr. B. N. Sinha, M.B. B.S., L.R.C.P. (Lond.), F.R.C.S. (Eng.), F.I.C.S. (U.S.A.), K.G. Medical College, Lucknow, to be a member of the Medical Council of India vice Dr. B. B. Bhatia deceased and makes the following amendment in the notification of the Government of India in the Ministry of Health No. F. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Nominated under clause (e) of sub-section (1) of Section 3", for the entry against serial No. 6, the following entry shall be substituted, namely:—

"Dr. B. N. Sinha, M.B.B.S., L.R.C.P. (Lond.), F.R.C.S.(Eng.), F.I.C.S. (U.S.A.), K.G. Medical College, Lucknow".

[No. F. 5-26/62-MI.]

KRISHNA BIHARI, Dy. Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 3rd July 1962

S.O. 2175.—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following correction in the notification of the late Government of the United Provinces in the Public Works Department, Buildings and Roads Branch, No. 1645-M/1133, dated the 22nd December, 1920, namely:—

In the second column, under the heading "Names of Monument", against Serial No. 143, for the words "Mausoleum near Guru-ka-Tal", the words "Tomb of Itbari Khan" shall be substituted.

[No. F. 4-32/61-C.1.]

S.O. 2176.—The Central Government hereby directs that the following entry relating to the Monument "Gumbaz of Itbari Khan at Agra" in the notification of the late Government of the United Provinces in the Public Works Department, Buildings and Roads Branch, No. 1645-M/1133, dated the 22nd December, 1920, be omitted, namely:—

Sl. No.	Name of the monument	Situation	
		District	Locality
151	Gumbaz of Itbari Khan	Agra	At Agra"

[No. F. 4-32/61-C.1.]

New Delhi, the 14th July 1962

S.O. 2177.—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following correction in the notification of the late Government of Central Provinces in the Public Works Department (B&R Branch), No. 1219-D.A.B. dated the 26th October, 1922 namely:—

In the Schedule to the said notification, in the entry in the fourth column relating to Gond Fort in Mandla village, for the word "temples", the word "temple" shall be substituted.

[No. F. 4-25/61-C.1.]

S. J. NARSIAN, Asstt. Edu. Adviser.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 8th July 1962

S.O. 2178.—Shri G. T. Sastri, a permanent Station Director (Selection Grade), All India Radio on deputation to the Central Board of Film Censors as Regional Officer, Madras, superannuated on the 12th June, 1962 (forenoon).

2. In exercise of the powers conferred by Section 5 (2) of the Cinematograph Act, 1952, read with rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to re-employ Shri G. T. Sastri, as Regional Officer, Central Board of Film Censors, Madras, for a period of one year with effect from 12th June, 1962 (forenoon).

[No. 2/50/61-FC.]

New Delhi, the 10th July 1962

S.O. 2179.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 4 read with sub-rule (2) of rule 9 and proviso to sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Shrimati Sarojini Varadappan, as a member of the Advisory Panel of the said Board at Madras with effect from 6th June, 1962.

[No. 11/4/62-FC.]

S.O. 2180.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints the following persons as members of the Advisory Panel of the said Board at Madras with immediate effect:

1. Smt. P. Mandakini Bai
2. Shri M. Bapineedu.

[No. 11/4/62-FC.]

B. K. GOVIL, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd July 1962

S.O. 2181.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946), read with sub-rule (3) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2509, dated the 12th October, 1961, published at page 2740 in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 21st October, 1961, namely:—

for the entry

"3. Shri Mool Chand Daga, M.L.A."

the entry

“3. Shri Girdharilal Vyas, M.L.A.”

shall be substituted.

[No. 23(8)62-MILL.]

S.O. 2182.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Gangadhar Verma, Welfare Officer, Mica Mines Labour Welfare Fund, Bihar, to be an Inspector of Mines subordinate to the Chief Inspector of Mines.

[No. 26(22)62-MIII.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi the 4th July 1962

S.O. 2183.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri M. Eswaraiah and B. Krishnamurthy Naidu to be Inspectors for the whole of the State of Andhra Pradesh for the purposes of the said Act or of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of, the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(5)/62-P.F.I.]

P. D. GAIHA, Under Secy.

New Delhi, the 4th July 1962

S.O. 2184.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 508, dated the 8th February, 1962 published in the Gazette of India Part II, Section 3, sub-section (ii) dated the 17th February, 1962 namely:—

Amendment

In the Table annexed to the said notification, under Column 2, against Serial No. 12, for the words "Labour Officer, Arrah", the words "Labour Officer, Dalmianagar" shall be substituted.

[No. 22/15/62-LRII.]

S.O. 2185.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Dutta's Central Kajora Colliery and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA

Reference No. 71 of 1961

5 of 1962

Employers in relation to the Dutta's Central Kajora Colliery and their workmen.

AWARD

Dated the 21st June 1962

This industrial dispute between the employers in relation to Dutta's Central Kajora Colliery and their workmen has been referred to this Tribunal by the Central Government under clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947. The specific matter in dispute as set out in the notification was as follows:

Whether the management of Dutta's Central Kajora Colliery are justified in refusing to reinstate the following workers of that Colliery whose work ceased from 12th June, 1961, and if not, to what relief they are entitled:—

1. Shri Muraram Bagdi,
2. Shri Kala Sona Bagdi,
3. Shri Bhakti Bagdi,
4. Shri Fakir Bagdi,
5. Shri Sudhir Bagdi,
6. Shri Bacha Rauth,
7. Shri Dharamnath Rauth,
8. Shri Buna Muchi.

2. Both parties in due course submitted their written statements. Subsequently, however, the dispute was settled by the parties out of court and a joint petition of compromise dated the 2nd June, 1962, was received in this Tribunal on the 5th June, 1962. After the petition of compromise was received the parties were directed to appear before the Tribunal on 8th June, 1962, to enable them to make their submissions, if any, with regard to the terms. They did not, however, appear apparently because they had nothing further to submit. In accordance with the terms of compromise the management has agreed to reinstate all the workmen with benefits of continuity of service in their original posts with immediate effect. The management has further agreed to pay a lump sum of Rs. 40 to each of these workmen in full and final settlement of their claims for the period of their unemployment. Further it has been agreed that the period of unemployment of the workmen from 12th June, 1961, till the date of joining will be treated as special leave without wages. The terms of settlement appear to be quite fair and reasonable and I accept them.

3. I give my award in accordance with the terms of compromise which shall form part of the award as Annexure A.

H. K. CHAUDHURI, Presiding Officer,
Industrial Tribunal, Patna.

Recorded at my dictation & corrected by me.

21-6-62.

H. K. CHAUDHURI,
P.O., I.T., Patna,

21-6-62.

ANNEXURE A.

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference No. 71 of 1961/5 of 1962.

Employers in relation to the Dutta's Central Kajora Colliery.

AND

Their workmen.

The humble joint petition of compromise between the Employer and Worker above named.

Most respectfully sweth:—

(1) that Shri Kuraram Bagdi, Shri Kalo Sona Bagdi, Shri Bhakti Bagdi, Shri Fakir Bagdi, Shri Sudhir Bagdi, Shri Bacha Rauth, Dharmnath Rauth, Shri Buna Muchi will be reinstated with benefits of continuity of service in their original post in the colliery with immediate effect. They should join by 15th June, 1962, at the latest.

(2) that they will be paid a lump sum payment of Rs. 40 (forty only) to each in full and final settlement of their claims for the unemployed period. This payment will be made within the next weekly payment day from the date of joining.

(3) that the period of unemployment from 12th June, 1961, till the date of joining will be treated as special leave without wages

(4) that all the above named 8 workmen will not be entitled to any other benefits so far as this reference is concerned from the Company.

That your petitioners pray that your honour would be graciously pleased to accept the above terms of compromise and just and fair and will pass an award in terms thereof.

And your petitioner as in duty bound shall ever pray.

H. RAJPURA, Secretary,
Dutta's Central Kajora Colliery.
Representative of the Employer.

GANGA RAM PANDA, Secy.,
West Bengal Khan Mazdoor Sangh.
Representative of the Workmen.

[No. 2/168/61-LRII.]

ORDERS

New Delhi, the 6th July 1962

S.O. 2186.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Mahabir Colliery, Post Office, Raniganj, Burdwan, West Bengal, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Bishu Roy, Underground Trammer of Mahabir Colliery, Post Office, Raniganj (Burdwan) is justified, and if not, to what relief is he entitled to?

[No. 2/62/62-LRII.]

New Delhi, the 9th July 1962

S.O. 2187.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Samla Collieries Limited, Post Office, Pandabeswar, District Burdwan, West Bengal and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE.

Whether the dismissal of Shri Ramadhar Singh, Loading Clerk and Shri Lakhan Mahato, Pickminer, by the Samla Collieries Limited, Post Office Pandabeswar, District Burdwan, West Bengal, was justified? If not, to what relief are they entitled?

[No. 2/48/62-LRII.]

S.O. 2188.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Madhuband Colliery, P.O. Nudkhurkee (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE.

Whether the dismissal of S/Shri Harbhajan Singh, Underground Munshi, and Trilochan Singh, Pump Khalasi, by the management of Madhuband Colliery on the 18th April, 1962 was legal and justified; if not to what relief are they entitled?

[No. 2/59/62-LRII.]

CORRIGENDUM

New Delhi, the 7th July 1962.

S.O. 2189.—In the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 1446, dated the 8th May, 1962, published at pages 1710, and 1711, in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 12th May, 1962, for "clause (d) of sub-section (1)", read "sub-section (2)".

[No. 8/33/62-LRII.]

A. L. HANNA, Under Secy.

New Delhi, the 5th July 1962

S.O. 2190.—In pursuance of section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government extends the term of appointment of Shri S. K. Chhibber, I.A.S., as Insurance Commissioner in the Employees' State Insurance Corporation till the end of December, 1962.

[No. F. 5(2)/62-HI.]

S.O. 2191.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 581, dated the 20th February, 1962, namely:—

In the Schedule,

(1) against serial No. 2,

(a) for the entry "Anada Oil Mills Bhavani" in column No. 4, the entry "Ananda Oil Mills. Bhavani" shall be substituted;

(b) for the entry "Shanmuga Rice & Oil Mills, Malathupalayam" in column No. 4, the entry "Shanmuga Rice & Oil Mills, Kolathupalayam" shall be substituted;

(2) against serial No. 4, for the entry "Radhakrishnan Rice & Oil Mills, Chinnalapatti" in column No. 4, the entry "Ramakrishna Rice & Oil Mills, Chinnalapatti" shall be substituted;

(3) against serial No. 8 for the entry "V.M.P. Metals & Alloys Co. Yercaud" in column No. 4, the entry "V.M.P. Metals & Alloys Co., Alagapuram" shall be substituted.

[No. F. 6(6)/62-HL]

BALWANT SINGH, Under Secy.

New Delhi, the 5th July 1962

S.O. 2192.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri R. G. Dco, Additional Chief Inspector of Mines, to be the Chief Inspector of Mines, for all the territories to which the said Act extends, with effect from the 4th July, 1962 vice Shri G. S. Jabbi.

[No. 11/1/62-MI.]

New Delhi, the 9th July 1962

S.O. 2193.—In exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the persons engaged in the diesel generating sets in Neyveli Lignite Mines from the provisions of sub-section (2) of section 30 of the said Act in so far it provides that an adult employed above ground in a mine shall not work for more than five hours continuously before he has had an interval for rest of at least half an hour.

[No. 6/3/62-MI.]

SHAH AZIZ AHMAD, Dy. Secy.

New Delhi, the 5th July 1962

S.O. 2194.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Martin's Light Railways, Calcutta and their workmen in the Headquarters Office.

In the matter of an industrial dispute between Messrs Martin's Light Railways, 9-Lall Bazar Street, Calcutta and their workmen in the Head Quarters Office, represented by Martin's Railways Head Office Staff Union, 9-Lall Bazar Street, Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

PRESENT:

Shri S. N. Guha Roy, Judge, Industrial Tribunal.

APPEARANCES:

For Messrs Martin's Light Railways—Shri Niren Dey, Council.

For Messrs Martin Burn Ltd.—Shri S. K. Mullick (Jr.) of Messrs Sandersons & Morgans & Co., Solicitors.

For Martin's Railways Head Office Staff Union—Shri P. K. Saniyal, Advocate and Shri D. L. Sen Gupta, Advocate.

AWARD

The Government of India, Ministry of Labour and Employment by an order dated the 13th of September, 1961 referred under section 10 of the Industrial Disputes Act, an industrial dispute between the "employers in relation to the Martin's Light Railways in Calcutta and their workmen in the Head Quarters Office" on the following issues, namely, (1) whether the demand of the workmen that they be treated as part of the managing Agent's staff is justified; and (2) if not, how far their demand for enhancement of pay scales, dearness allowance and the rate of puja bonus is justified. Annexed to the order of reference, there is a report under section 12(4) of the Industrial Disputes Act on the course of conciliation proceedings relating to this dispute.

On receipt of the reference notices were directed to be issued on the parties. By the parties evidently were meant Martin's Light Railways on the one hand and the Union on the other and accordingly notices were issued on Messrs Martins Light Railways 9-Lall Bazar, Calcutta and the General Secretary, Martin Railways Head Office Staff Union, 9-Lalbazar, Calcutta, which represented the Head Office staff of the Railways during the conciliation proceedings. The Union first filed their written statement. Then the Railways filed their written statement and along with it a reply to the written statement filed by the Union. On the very day when the Railways filed their written statement, namely 16th December, 1961, I found out that the Managing Agents had not been served with a notice or made parties to the dispute and as the question in controversy is whether the employees are the employees of the Railways or of the Managing Agents of the Railways, I thought the Managing Agents should be before the Tribunal and I asked them to show cause why they should not be summoned under section 18(3)(b) of the Industrial Disputes Act to be parties to the dispute. On hearing Managing Agents and the parties already before the Tribunal, I made an order on 17th January, 1962 that Messrs Martin Burn Ltd. should be added as party on their own account to the proceedings and they were asked to file their written statement. Messrs Martin Burn Ltd. did file a written statement in due course. Thus the parties now before the Tribunal are first Martin's Light Railways and Messrs Martin Burn Ltd., as the Managing Agents of the Martin's Light Railways on the one hand and the Head Quarters' staff of Messrs Martin's Light Railways, represented by the Head Office Staff Union on the other.

Issue No. 1.—Whether the demand of the workmen that they be treated as part of the Managing Agent's staff is justified

On this issue the case of the Union is stated in paragraphs 2, 3, 4, 5, 6, 7, and 8. After having stated in para 2 that all employees including the General Manager of the Martin's Light Railways employed in the head office are under the direct control and supervision of Messrs Martin Burn Ltd., paragraphs 3 states that the service agreements between the workmen and the aforesaid Railway Administration clearly indicate that they are the employees of the Managing Agents *viz.*, Messrs Martin Burn Ltd., employed at its head office. In paragraph 3 it is stated that inspite of this clear position the workmen were not granted the emoluments and other benefits available to the other workmen of Messrs Martin Burn Ltd., employed at its head office and in consequence a dispute arose between the workmen and the Railway Administration in regard to the status of the workmen and the issue then framed was in the following terms, namely, "Whether the headquarters office staff should be treated as Managing Agents Staff." This issue was referred, as stated in paragraph 5, to the Central Government Industrial Tribunal at Calcutta in the years 1957 and Shri A. Das Gupta, sole member of the Tribunal on the materials then available before him answered the issue in the negative. Then in paragraph 8 the Union submits that the workmen employed at the head office of the Martin's Light Railways "should be treated and deemed to be employees" employed by Messrs Martin Burn Ltd., and that they should be deemed to be entitled to all emoluments, benefits and service conditions available to the admitted employees of Messrs Martin Burn Ltd. employed at their head office. Clearly therefore, the Union's case on this issue may be split up into two parts. The first part is that the workmen employed at the head office in connection with the Martin's Light Railways are in fact and law the employees of Messrs Martin Burn Ltd., the Managing Agents and the second is that even if they are not in fact and law the employees of Messrs Martin Burn Ltd. the Managing Agents, they should be treated as such.

In paragraph 3 of the written statement of Martin's Light Railways the Railways deny that the Railway Administration means Messrs Martin Burn Ltd. which manages 2 of the five Railways, namely Howrah-Amra Light Railway Co. and the Sahdara (Delhi) Saharanpur Light Railway Co. Ltd. as their Managing Agents under the Indian Companies Act and the other three Railways namely Howrah-Sheakhal Light Railway Co. Ltd., Fatwah-Islampur Light Railway Co. Ltd. and Arassaram Light Railway Co. Ltd. as Secretaries and Treasurers. It also stated here that all employees including the General Manager in the Joint Head Office of the five Railways, are under the official control and supervision of Messrs Martin Burn Ltd. for the sole and simple reason that the latter company is the Managing Agents of two of the five Railway Companies and the Secretaries and Treasurers of the other three and are thus incharge of the management of all the five Railway companies. In paragraph 4 of the written statement of the Railways it is specifically denied that the service agreements clearly show that the workmen are employees of the five Railway companies, under the

management of Messrs Martin Burn Ltd. In paragraph 8 it is submitted by the Railways that in fact and law the head quarters office staff of the Railways should not be treated as or deemed to be employed by the Managing Agents or the Secretaries and Treasurers on their own behalf and paid from their own coffers. Messrs Martin Burn Ltd., also takes the same line in its written statement.

The first question therefore, that has to be decided in connection with this issue is whether or not the workmen employed in the head office in connection with the work of the five railways, managed by Messrs Martin Burn Ltd. as the Managing Agents of two of them and as Secretaries and Treasurers of the other three are the employees of Messrs Martin Burn Ltd. or of the five Railway Companies. This is a mixed question of fact and law and in the decision of this question no consideration of social justice can possibly be involved. Under the Managing Agency agreements Exts AAI and AAI(1), the Managing Agents are vested with full power to engage and dismiss Managers, Assistants, other officers and staff and all workmen. It is also admitted that the workmen have been appointed by the Managing Agents but these facts by themselves do not conclude the matter because the Managing Agents may do all these things either for themselves or for the Railways managed by them. The admitted fact however, that the subordinate staff as well as the officers are paid from the earnings of the Light Railways is at least *prima facie* evidence that the subordinate staff are the employees of the Railways though it may not be conclusive.

It is in evidence that prior to 1954 the Service Regulations in use in Martin's Light Railways of 1941, were Ext. 3 and that these were replaced in 1954 *vide* by Ext. 3(1), Martin's Light Railways Service Regulations, 1954. The evidence on behalf of the Union on this point is the evidence of Shri Surja Kumar Mukherjee, witness No. 3. The other two witnesses examined on behalf of the Union say nothing on this point, as they are not employed in connection with the Railways. Shri S. K. Mukherjee says in his examination in chief at page 6 as follows:

"After I was appointed I had to sign an agreement like the one contained in Appendix 'A' to Martin's Light Railways Service Regulations, 1941 Ext. 3. This agreement after it has been signed is kept in the possession of the Establishment Department of the head office of the Railways. I was appointed in June, 1944 for the first time. I signed the agreement I have referred to a few days after I joined. In 1955 or 1956 we were made to sign another agreement like the one contained in the Appendix to Service Agreement for subordinate staff of Martin's Light Railways Service Regulations, 1954 Ext. 3(1)."

In his cross examination however, he says at page 9:

"Ext A is the agreement signed by me. Ext A(1) is the signature".
At page 14 in his cross examination he says as follows:—

"It is not fact that I did not sign the first agreement i.e. the agreement in the form given in Appendix 'A' to Martin's Light Railways Service Regulation 1941 nor that I signed only the later service agreements as given in the Appendix at page 121 to Martin's Light Railways Service Regulation 1954. I voluntarily signed the later agreement when I was asked to do so by the office. Our Union knew that from 1954 the Service Regulations of 1954 were in force. I cannot say if the Union people knew in 1954 or 1955 that the form given in the Regulations of 1954 was signed by all the subordinate staff of Martin's Light Railways. We never made any complaint to the management that the service agreement as given in the appendix to the Service Regulation of 1954 was wrong. Before we claimed that we were the employees of Messrs Martin Burn Ltd. we took into consideration the form of the service agreement we had signed. According to us the Railways namely Martin Burn Ltd. and the employees of the Railways were the parties to the agreement. We considered ourselves under this agreement to be the employees solely of Messrs Martin Burn Ltd. and not the employees of the Railways at all."

The italicised portion had been objected to on behalf of the Union by Shri Saniyal on the ground that it was asking for the opinion of a witness on a point of law but the objection was over-ruled on the ground that although the opinion of a witness on a point of law is not relevant, the position of the workmen *vis-a-vis* the Managing Agents and the Light Railways, as the workmen understood it,

is relevant. Shri C. S. Mehta, General Manager, did not say anything on the point in this examination-in-chief but he was cross examined on this point and his statement is as follows:—

"Exts. 3 and 3(1) are the two Service Regulations of the Railways, and Ext. 3 was in force from 1941 to March, 1954 and Ext. 3(1) came into force with effect from 1st of April, 1954. The form in Appendix A to Ext. 3 was in force till the new form Appendix B(2) to Ext. 3(1) came into force. I am not in a position to answer the question whether or not the Railway Administration in Appendix A to Ext. 3 means the Managing Agents. The schedule to that Appendix A to Ext. 3 shows seven Railway companies. So the Railway Administration as referred to was dealing with seven Railways at the time. All the employees employed at the time on the Railways upto 31st March, 1954 are supposed to have signed the agreement in the form given in Appendix A to Ext. 3. But a large number of the members of the staff had not signed any such agreement. At least no such agreement was available on the service records of the Subordinate staff. In 1954 when the revised Service Regulations came into force all the subordinates i.e. clerical staff executed an agreement in the revised form *vide* Appendix B(2) of 1954 Service Regulations. So all the members of the subordinate staff had to sign the new agreement. What I said before, namely, that most of the old agreements were not traceable in our records means that some at least were traceable. Even those whose agreements were traceable were required to sign the new agreement. I am now correcting myself and saying that no old agreements were available. Rule 4 at page 2 of Ext. 3 was being insisted upon, when I took charge I found only in the case of the line staff and not in the case of the head office staff. *I believe that no agreements were signed by the head office staff under the Old Service Regulations.* I do not know of any suppression of the old agreements by the Railways or by the Managing Agents."

Clearly then while on behalf of the Union the evidence is that all members of the subordinate staff in the head office of the Railways signed the old agreements as well as the new agreements, the evidence on behalf of the Railways is that in all probability no agreements were signed by the members of the subordinate staff at the head office under the old Regulations while they all signed the agreement under the new Regulations. In view of the facts however, that Shri Mehta joined the Railways only in 1951, that his evidence is somewhat halting at the time when he says that he believes that the members of the subordinate staff did not sign the old agreements, that the old Service Regulations of 1941 do not make any distinction as between the line staff and the head office staff and rule 4 at page 2 of the Old Regulations required every employee, earning more than Rs. 15 to sign, when confirmed in an appointment, the service agreement form, I am inclined to prefer the view of Shri S. K. Mukherjee to that of Shri C. S. Mehta on the point and accordingly I hold that all members of the subordinate staff in service at the Head Office before the new Regulations of 1954 came into force must have signed the old agreement in the form given in Appendix A to Ext. 3. This agreement is in the following form:

"Agreement of hiring and service made this day of 19..... between.....
son of..... of the one part, and the Managing Agents
(acting by and through the..... of the system of Light Railways)
of the other part".

Evidently the blank space after the words 'through the' is to be filled in by the expression "General Manager" as rule (1)(b) plainly indicates. In other words, this is an agreement between a particular employee and the Managing Agents acting by and through the General Manager of the system of Light Railways. According to Shri Dey, appearing on behalf of the Railways, this was an agreement really with the Railways who were acting through the Managing Agents whereas according to Shri Saniyal representing the Union it was really an agreement of the employee signing it with the managing agents acting by and through the General Manager of the system of Light Railways. Both the learned Advocates referred to the definitions of the expressions 'Railway Company', 'Railway Administration' and 'Railway Servant' in sections 3(5), 3(6) and 3(7) of the Railways Act. Shri Saniyal further referred to the definition of the expression 'Railway Administration' in the specimen agreement form, given in Appendix A to Ext. 3. Shri Dey took his stand on the fact that an employee even under this

agreement was a Railway servant for his contention that although in form that was an agreement between a particular Railway Servant and the Managing Agents acting by and through the general manager of the system of Light Railways it was in substance an agreement between the Railway servant and the Railways. He further argued that whatsoever the position under the old agreement, the new agreement under the new Regulations of 1954 superseded the old agreement and as Shri S. K. Mukherjee admitted in his cross-examination, such agreements were voluntarily signed by the employees. There are according to Shri Das at present these binding agreements between the employees on the one hand and the Railways on the other. Shri Saniyal on the other hand, took his stand on the fact that under the definition of the expression "Railway Administration" in the specimen form in Appendix A to the old Regulations Ext. 3, it means the managing agents acting by and through the general manager of the system of Light Railways for his argument, that though the employees concerned, employed in connection with the Railways, were undoubtedly "Railway Servants", as the agreement was between the Railways servant concerned and the Managing Agents though acting by and through the general manager of the system of Light Railways, the employees became the employees of the Managing Agents. It was further contended by Shri Saniyal that the subsequent agreement under the new Regulations of 1954 did not in any way supersede the old agreement, at least for those who had been in service prior to the introduction of the new Regulations so as to amount to a novation of the old contract because the novation of a contract requires the consent of all the parties concerned, including the Managing Agents who were a party to the old agreement and because there is no evidence to show that the Managing Agents consented to the new service agreement under the new Regulations of 1954. It has now to be seen which of the two rival contentions is correct.

That the members of the subordinate staff at the head office of Martin's Light Railways were employed in connection with the Railways is not disputed and as a matter of fact it is proved by the evidence adduced on both sides. It is also in evidence that the head office staff of the Railways was maintained at the cost of all the Railways concerned, each Railway contributing a certain percentage of the cost of the head office. Exts. AAI and AAI(1) are extracts, filed on behalf of the Managing Agents by Shri S. K. Mullick in consultation with the learned Advocates for the Union, from the two Managing Agency agreements on the strength of which Messrs Martin Burn Ltd. became the Managing Agents of two of the Railways. Clause 2 of each of the agreements provides that the General management of the affairs of the company shall be entrusted to the Managing Agents and that except to such extent, as is otherwise provided in the agreements or in the Articles of Association of the company, the Managing Agents shall be under the control and direction of the Directors. Then clause 7 provides that the Managing Agents shall have the general management of the company's business transactions, books, papers, effects, property, affairs and concerns with full power to engage and dismiss Managers, Assistants and all other officers and staff and all workmen, and for the purposes of the company to purchase and obtain all necessary machinery, stores, goods and materials of any kind whatsoever and to sell such stores, goods and materials, stores, materials and/or any of the articles manufactured or acquired by the company. Clearly therefore, the Managing Agents were under an agreement with these two companies namely Howrah-Amta Light Railway Co. Ltd. and Arasasaram Light Railway Co. Ltd. for the general management of the affairs of the companies. As no evidence was led by either side as regards the other Railways of which Messrs Martin Burn Ltd. were the Secretaries and Treasurers it may be taken for granted that the agreements between Messrs Martin Burn Ltd. and the other three Railways were on the same lines. In other words, Messrs Martin Burn Ltd. may be taken to have been entrusted with the general management of all the Railways.

Shri Saniyal has laid stress on the last part of the definition of the expression 'Railway Company' in section 3(5) of the Railways Act. Under this definition 'Railway Company' includes "parties to an agreement for working a railway". It is his contention that Messrs Martin Burn Ltd. under the agreement with the Railways was a party to an agreement for working the Railways and thus under this definition it became the Railway Company. The word 'Railway' is defined in section 3(4) this definition shows that the expression 'Railway' and 'Railway Company' mean two different things altogether. The word 'Railway' is confined to the Railway itself or any portion of it, or to certain land, lines of rail, etc., stations etc. and ferries, ships etc. and the word 'Railway Company' means either "the owners and lessees of a Railway" or "parties to an agreement for working a railway". The expression "owners and lessees of a railway" which precedes

in section 3(5) the expression 'parties to an agreement for working a Railway', shows that the word Railway in both parts of section 3(5) has been used in the sense in which it was defined in section 3(4). It is true that the Managing Agents or the Secretaries and Treasurers of a Railway Company, entrusted with the general management of the affairs of the company work a railway because the management of the affairs of a railway company includes the working of a railway. But the managing Agents, entrusted with the general management of the affairs of the Railway Company does not become a party to an agreement for working a railway, just as they do not become owners or lessees of a railway by merely undertaking to manage the affairs of the railway company. Indeed, if that were the correct position, the Managing Agents would be identical with the Railway Company, the affairs of which they undertake to manage. That is on the face of it absurd, and to my mind, it is really the *reductio-ad-absurdum* of the whole argument of Shri Saniyal. By the definition of section 3(5) of the Railway Act what is clearly meant is the party who enters into the primary agreement with the State for working a railway and that is the Railway company itself. It cannot possibly extend beyond the Railway Company to its Managing Agents or Secretaries and Treasurers, entrusted with the general management of the affairs of the company. Ingenious therefore, as Shri Saniyal's argument may appear, it cannot possibly be correct.

There is then the other part of this contention, based on the definition in clause 1(b) of the old agreement in Appendix 'A' to Ext. 3, in which the Managing Agents acting by and through the general manager of the system of Light Railways becomes the Railway Administration. He argues that because the agreement in this form was between a particular employee and the Managing Agents acting by and through the general manager of the system of Light Railways under clause 1(b) of the Railway Administration, the employees became the employees of the Managing Agents though they still continue to be Railway Servants, being employed in connection with the Railways. Shri Saniyal's contention therefore, is that even as railway servants, the workmen are the employees of the Managing Agents who under clause 1(b) are the Railway Administration. It is obvious at once that the Managing Agents as such are somewhat different from the Managing Agents acting by and through the General Manager of the system of Light Railways. Grammatically the phrase "acting by and through the General Manager of the system of Light Railways" qualifies the expression "Managing Agents". This qualification is obviously a limitation of the Managing Agents as such and the question arises why in this agreement the Managing Agents were introducing this limitation of themselves and whether the definition of the expression 'Railway Administration' in clause 1(b) of the agreement is quite consonant with that of the same expression in section 3(6) of the Railways Act. If there is a dispute between the Managing Agents and the system of Light Railways as to the interpretation of any part of the Managing Agency Agreement, the Managing Agents may act quite independently of the General Manager of the Light Railways.

There must be many other matters relating to the affairs of the Railway Company in which the Managing Agents may and do act independently of the General Manager of the system of Light Railways. When therefore, they introduce a qualification under which they are to act by and through the general manager of the system of the Light Railways, it is quite reasonable to hold that they were doing so with a distinct object in view, specially if it is remembered that the Managing Agency agreement gave the power of appointment to the Managing Agents as such and not to the Managing Agents acting by and through the General Manager of the system of Light Railways. The only object they could have in view in introducing this is to my mind to put themselves in the place of the Light Railways, in matters touching the relations between the staff of the Railways and the Railways. That this is so would be evident from two 'facts'; first, that in clause 1(b) of the old agreement the Managing Agents acting by and through the general manager of the system of Light Railways becomes the Railway Administration although under the definition of the expression "Railway Administration" in section 3(6) of the Railways Act it is not strictly speaking, the Railway Administration, because under that definition it is only the Railway Company which can be the Railway Administration. Evidently therefore, clause 1(b) of the old agreement seeks to establish an identity between the Railway Administration and the Managing Agents, an identity which does not exist either in law or in fact. This fictitious identity would only have been introduced, for the purpose of determining the relations between themselves and the Railways on the one hand and the members and the staff on the other, engaged by them for carrying on the work of the Railways. Clause 1(b) of this agreement is not

strictly in accordance with the definition of "Railway Administration" in section 3(6) of the Railways Act, as it amounts to an unwarranted extension of that definition, beyond the Railway Company to its Managing Agents or Secretaries and Treasurers. The other relevant fact in this connection is that throughout this old agreement in paras 2, 3, 4, 5, 6, 7, 8, 9 and 10 the expression 'Railway Servant' has been used as descriptive of the particular employee signing the agreement and in clause 1(a) Railway Servant means the said employee. The definition of the expression 'Railway Servant' in section 3(7) of the Railways Act however, is any person employed by a Railway Administration in connection with the service of a Railway and Railway Administration, as I have already pointed out, means, in the case of Railway administered by a Railway Company, the Railway Company itself which is distinct from its Managing Agents or Secretaries and Treasurers. On a close examination therefore of the terms of the old agreement which I must confess is far from easy to construe, I hold that although in form the agreement is between a particular employee employed at the head office of the Railways in connection with the work of the Railways and the Managing Agents acting by and through the General Manager of the system of Light Railways, it is in substance an agreement between that particular employee and the system of Light Railways acting through their Managing Agents and Secretaries and Treasurers who again acted in this matter through the General Manager of the system of Light Railways, the General Manager providing in the matter of their appointments the link between the Railways and their Managing Agents.

The matter may be further tested with reference to the question how the parties understood this old agreement. I have already quoted *in extenso* certain parts of the evidence of Shri S. K. Mukherjee on the point. Here is another extract

"It was only 2/3 years ago for the first time that we came to realise that we were the employees of Messrs Martin Burn Ltd. and not the employees of the Light Railways. Before that we regarded ourselves as the employees of the Light Railways where we used to work. Before the award of Shri A. Das Gupta in 1957 we sent a letter of demand to the Light Railways. Ext. B is our original letter of demand. It bears the signature of the President Shri Suprokash Mitra. I know his signature. Ext. B(1) is his signature. One of the demands in that letter of demand is that the Head Office staff of the Light Railways should be treated as the Managing Agents staff. It appears from the demand signed by the President that he must have realised that the head office staff of the Light Railways were the Managing Agents' staff but it did not strike me at that time that they were so. Before a reference was made to this Tribunal we sent a demand to the Light Railways claiming they are the employees of Martin Burn Ltd. Ext. C is the letter of demands signed by Shri Karuna Kumar Das, Secretary of our Union. I do not remember if between the award of Shri Das Gupta and to-day we ever told the company in writing that we were the employees of Martin Burn Ltd. and not the employees of the Light Railways. I cannot say if there is any resolution passed by our Union to the effect nor if we came to discover any materials on the strength of which we concluded that we were members not of the Light Railways but of Martin Burn Ltd. nor can I say if after the Das Gupta Award we wrote to the Light Railways that we are the employees of M/s. Martin Burn Ltd. and not the Light Railways".

Ext. B is a copy of the minutes of proceedings of a general meeting of the Union on 29th November 1956. Ext. B(1) is evidently the signature of the President to a charter of demands which does not bear any date at all nor it is possible to connect Ext. B(1) with Ext. B. This much is however, clear that this charter of demands was made some time before the Tribunal presided over by Shri Das Gupta had been set up. One of the demands in this charter of demands is that the head office staff should be treated as the Managing Agents' Staff. It is therefore clear that before there was a reference to that Tribunal it must have struck the Union, though it might not have struck Shri S. K. Mukherjee at that time, that the head office staff should be treated as the Managing Agents staff. Evidently that was after the new Regulations had come into force. The position therefore, appears to be that as long as the old Regulations Ext. C were in force, the employees of the Railways on the clear admission of Shri S. K. Mukherjee and the evidence on the record regarded themselves as the employees of the Light Railways and not of Messrs Martin Burn Ltd. and that it was only some time before the reference to the Das Gupta Tribunal that it occurred to the Union that

the employees should be treated as the employees of Messrs Martin Burn Ltd. It is significant that even at that stage it did not strike the Union that the workmen were in fact and law the employees of Messrs Martin Burn Ltd., the Managing Agents and not of the Railways, there being a good deal of difference between an employee being treated in a particular manner and an employee being something in fact and law.

The matter however does not rest there. There are certain facts which go to indicate how the parties understood their position. Admittedly, there were separate Unions of the Railway employees of the Head Office and the employees of Messrs Martin Burn Ltd. and of the Associated Companies. This is the evidence of Shri Biswanath Mitra, witness No. 2 for the Union and also of its witness No. 3, Shri S. K. Mukherjee. There were also separate awards for the employees of Messrs Martin Burn Ltd. and the Associated Companies and the Railway Servants employed at the head office. There is first of all, the Mercantile Award Ext. I, of 1949 between the employees of Messrs Martin Burn Ltd. and the Union of the Employees of Messrs Martin Burn Ltd. There is next the Jee Jee Bhoi Award, Ext. A(h), between the workmen employed in the Howrah-Amra Light Railway, Howrah-Sheakhala Light Railways Co. Ltd., Fatwah-Islampur Light Railway Co. Ltd., Ara-Sasaram Light Railway Co. Ltd., including their head office staff at Calcutta, and the employers represented by the General Manager, Martin's Light Railways. This also was of the year 1949. Thus in the year 1949 there were two awards—one between the employees of Messrs Martin Burn Ltd. and their employees and the other between the employees of the Light Railways including their head office and their Employers, the first on a reference by the State Government and the second on a reference by the Central Government. It appears from para 5 of Ext. H the Das Gupta Award, that neither the workmen of the Managing Agents nor the workmen of the Railways head office staff claimed that the Railway Head Office staff should be treated as the Managing Agents' staff. Prior to these adjudications, the Managing Agents adopted for the improvement of the service conditions of their staff a scheme recommended by the Bengal Chamber of Commerce. This scheme was not extended to the head office staff of the Railways who, in their turn, secured improvement in their pay and dearness allowance by independent agreements. Then there was Palit's award in 1955. It appears that this was also a reference by the West Bengal Government of a dispute between Messrs Martin Burn Ltd. and all the Associated Companies of which Messrs Martin Burn Ltd. were the Managing Agents and their workmen represented by Martin Burn Indian Employees' Union. At the end of the award there is a list of the Associated Companies which included Arrah-Sasaram Light Railway Co. Ltd., Chapraukh-Silghat Ry. Co. Ltd., Fatwah-Islampur Light Ry. Co. Ltd., Howrah-Amra Light Ry. Co. Ltd., Howrah-Sheakhala Light Ry. Co. Ltd. and Shahadara (Delhi) Saharanpur Light Ry. Co. Ltd. In that award the Railway companies and their employees were left out of account because the appropriate Government to make a reference on a dispute between the Railway employees and their employers was not the State Government but the Central Government. Then as I have already said, there was the reference to Shri A. Das Gupta. His award is Ext. H. There the dispute was between the employers in relation to Martin's Light Railways and the workmen of the Head Quarters office of Martin's Light Railway.

There is also the fact that the pay rolls of the Railway establishment at the headquarters were kept separately from the pay rolls maintained for the Headquarters Establishment of Messrs Martin Burn Ltd. and the Associated Companies. This is the evidence of Shri Biswanath Mitra at page 5, of Shri S. K. Mukherjee at page 15 and Shri Das at Page 38. It is also admitted that the cost of the headquarters' establishment of the Railways was met by the Railways and not the Managing Agents. This appears from the evidence of Shri S. K. Mukherjee at page 15 and Shri Das at page 37. There were also separate provident funds for the headquarters staff of the Light Railways and for the headquarters establishment of Messrs Martin Burn Ltd. and the Associated Companies. This appears from the evidence of Shri Mitra at page 4 and Shri Mukherjee at page 15 and Shri Das at page 32. It is also in evidence that there was no system of gratuity for the employees of Messrs Martin Burn Ltd. and their Associated Companies except ex-gratia payments and for the employees of the Railways there was a system of gratuity, based on the Railway Employees' Gratuity Rules. This appears from the evidence of Shri Mitra at page 4, Shri Mukherjee at page 6 and Shri Das at page 38. In Palit's award, Exts. G and 1(f) issue No. 5 relates to gratuity over and above Provident Fund. The claim of the employees of Messrs Martin Burn Ltd was rejected by this award. Ext. 1 i.e. the Appellate Tribunal's award on appeal from Palit's award did not interfere on the issue. It is clear therefore,

that the head office employees in connection with the work of the Railways had a Union of their own independent of the Union of the head office employees of Messrs Martin Burn Ltd. and their Associated Companies, that there were separate agreements as to their pay scales etc. by these employees from the employees of Messrs Martin Burn Ltd. and their Associated Companies, and that there was also separate awards for the head office employees of Messrs Martin Burn Ltd. and the Associated companies and the head office employees of the Railways. Their pay rolls and Provident funds also were different and while in the railways there was a system of gratuity in addition to Provident fund under the Railway Employees Gratuity Rules, there was no such system for the employees of Messrs Martin Burn Ltd. and the Associated Companies except ex-gratia payments. The cost of the head office establishment of the Railway was made by the Railways, each of the Railways contributing a fixed percentage of the cost. From these things it is clear that the head office employees of the Railways regarded themselves as the employees of the Railways and that the Railways also treated them as their own employees. It is the Union's own case that M/s. Martin Burn Ltd. never treated the employees at the head office of the Railways as their employees and indeed, had they done so, there could not have been this dispute. It is also admitted by Shri S. K. Mukherjee at page 10 that their Union never presented a demand on M/s. Martin Burn Ltd. that the head office employees of the Railways were the employees of Martin Burn Ltd., the Managing Agents and should be treated as such. Clearly then, it follows from the dealings of the parties that the head office employees of the Railways looked upon themselves as the employees of the Railways and not of Messrs Martin Burn Ltd., till of course some time before the reference to Shri A. Das Gupta and the Railways themselves and the Managing Agents also treated them as the employees of the Railways. Clearly then, the view I have taken of the old agreement in Appendix A to Ext. 3 is supported by the conduct of the parties.

It now remains to be seen what changes if any, the agreement under the new Regulations brought about in the relations between the head office employees of the Railways and the Railways or the Managing Agents. One of the agreements in the form in Appendix B2 for the subordinate staff in the Light Railway Companies has been actually proved. It is the agreement between Shri Surja Kumar Mukherjee witness No. 3 for the Union and the Howrah-Amra Light Railway Co. Ltd., The Howrah Sheakhala Light Railway Co. Ltd., The Ratwah Islampur Light Railway Company. The Arrah-sasaram Light Railway Co. Ltd., and the Shahdara (Delhi) Saharanpur Light Railway Co. Ltd., which were stated in the agreement to be under the Managing Agency of Martin Burn Limited. There is one apparent change in the new Regulations, for, in the old agreement the parties were the particular employee and the Managing Agents acting by and through the General Manager of the system of Light Railway, whereas under the new, the parties are the particular employee and the Light Railways themselves and not the Managing Agents acting by and through the general manager of the system of Light Railways. There are also certain other changes which however, do not seem to me to affect the question now in controversy between the parties. The first of these changes is that the new Regulations introduce a different form of agreement for officers, but under the old, the form of agreement was the same for every one drawing Rs. 15/- or more whether an officer or a member of the subordinate staff. There is also rule 13 in the new Regulations providing for the contingency of one or more of the Railways passing out of the Managing Agency of Martin Burn Ltd.

If I have been correct in my construction of the old agreement, the apparent change of parties in the new agreement does not bring about any real change at all because under the old agreement also the parties in substance were the particular employee concerned and the Light Railways, although in form the parties were the particular employee concerned and the Managing Agent acting by and through the General Manager of the system of Light Railways. Shri Saniyal, as I have already said contended that this new agreement did not in any way supersede the old because there is no evidence to show that the Managing Agents were a consenting party to it. It is certainly true that if there is a contract between two parties and this contract is sought to be substituted by a new contract between one of the two parties to the old contract and a third party, the consent, express or implied, of the second party to the old contract is necessary. In this case there is of course, no oral or documentary evidence to show that the Managing Agents gave their consent to the new agreement but then admittedly, the Light Railways have been under the Managing Agency of Messrs Martin Burn Limited since the new agreement, just as they were when the old agreements were entered into between the employees and the Managing Agents, acting by and through the General Manager of the Light Railways. If the Managing Agents were not a consenting party to this new agreement it is incomprehensible

how they could go on managing the affairs of the Light Railways companies, particularly in the head office with staff employed on the basis of agreements between the employees and the Railways which on this assumption had not the consent, express or implied, of the Managing Agents. The mere fact therefore, that the Managing Agents were managing the affairs of the Railway company even after these new agreements between the employees and the Railways would go to show that the new agreement had the implied consent of the Managing Agents. In this connection it is not out of place to refer to the statement of Shri S. K. Mukherjee at page 14, of his evidence in cross-examination that according to them the Railways including the Managing Agents of the Railways, namely Martin Burn Limited and the employees of the Railways were parties to the agreement. Here he obviously spoke of the new agreement which is referred to by him a little before this statement. Taken literally of course, this statement is not correct, because the Managing Agents were not parties to the new agreements, but it is quite obvious that the Managing Agents who were all the time managing the affairs of the Railway Companies could be ignorant of or strangers to these agreements. In any event, as these new agreements do not bring about any real change in the relations of the parties to the old agreements there is hardly any question of any novation of contract. The new agreements seem to me to clarify the position which probably needed a certain amount of clarification in view of the terms of the old agreements. The fact that it first struck the employees of the head office of the Railways that they should be treated as the staff of the Managing Agents only after the new Regulations had come into force in 1954, suggests that it was the new agreements which put the employees on their enquiry as to whether the new agreements brought about a change of the relations between themselves and the Managing Agents as they should under the old agreements and it may have been after all, true, as stated by Shri S. K. Mukherjee at page 7, that "they filed Exts. 3 and 3(1) and Ext. 4 after a good deal of research".

In this connection considerable stress was laid on behalf of the Union on certain entries in Ext. 4, the Martin Burn House Magazine for 1960. The entries begin at page 42, i.e., the unnumbered para following page 41. At the top of the left hand side of the page in big capitals there is the following entry "MARTIN BURN LIMITED"; below that on the right hand side in smaller capitals there is the following entry, "DIRECTION ORGANISATION, STAFF". Then there are the names of the Governing Directors and Managing Directors; next the addresses of the head office, the London Office etc. Then there are the addresses of the branches at Delhi, Bombay and Cawnpur; then there are the names of the companies of which the Managing Agents are Martin Burn Limited. Below that there are the companies of which they are the Secretaries and Treasurers and then there are two electric Licenses of which they are the managers and agents. On the 3rd un-numbered page from page 41, the head office staff are enumerated under different companies and under the Light Railways there are the names of the officers including C. S. Mehta, the General Manager and one L. N. Chowdhury who is second party witness No. 6, Shri L. N. Chowdhury admits in his cross examination that he is employed by Messrs Martin Burn Limited. It has been contended on behalf of the Union that although this officer was employed by Messrs Martin Burn Limited he is shown in the Magazine as part of the Head office staff of the Light Railways. What precisely the witness means by saying that he was employed by M/s. Martin Burn Ltd. it is difficult to say. As he is Chief Medical Engineer of Martin's Light Railways, it is more than likely that what he meant to say here is simply that he was appointed by M/s. Martin Burn. It is admitted even by Shri C. S. Mehta, the general manager that his letter of appointment was given to him by the Managing Director of Martin Burn Limited, although he is an employee of Martin Burn Group of Light Railways. The subordinate staff also was appointed by Messrs Martin Burn Limited through the general manager. The mere fact therefore, that Martin Burn Limited appointed the General Manager or Shri L. N. Choudhury does not go to show they are the employees of Martin Burn Limited. The Managing Agents were entitled under the Managing Agency agreements to appoint the staff. There is thus nothing in Ext. 4 to suggest that the subordinate staff was in fact and law the employees of the Managing Agents and not of the Railways.

In this connection it was also pointed out on behalf of the Union, as admitted by Messrs Martin Burn Limited in answer to certain interrogatories, that the monthly pay bills of the officers and subordinate staff of the head office of the Light Railway Companies are drawn against the Light Railway Companies namely Howrah-Amra Light Railway Co., Ltd., Howrah-Shealkhala Light Railways Co., Ltd., Fatwah-Islampur Light Rly. Co., Ltd., Ara-Sasaram Light Railways Co., Ltd., and the Shahdara (Delhi) Light Railway Co., Ltd. This to my mind, goes only to show that although even the officers of the Railways are

appointed by the Managing Agents they are really the officers of the Light Railways just like the subordinate staff of the Light Railways who also are appointed by the Managing Agents, as the old agreement Ext. 3, shows.

On the first part of the question therefore, namely whether the head office employees of the Railways are in fact and law the employees of the Managing Agents, I hold that they were not and are not the employees of the Managing Agents either in fact or law, but they have always been the employees of the Railways both under the old agreements and the new.

Then there is the other part of the question, namely whether even though they are not in fact and law the employees of the Managing Agents they should be treated as the employees of the Managing Agents. Evidently this means whether these employees should be treated for the purposes of determining the terms and conditions of their service on the same lines as the employees of M/s. Martin Burn Ltd., and their Associated Companies. There is probably nothing inherently unreasonable in such a demand but there must be very convincing grounds for its justification. In the written statement of the Union no ground was assigned for this. But in arguments before me on behalf of the Union Shri Saniyal advanced only one ground, namely that if any of the Railways went out of the Managing Agency of M/s. Martin Burn Limited, the employees would not know whom they were serving and anomalies are bound to arise, and for the removal of such anomalies the employees of the Railways should be treated as the employees of the Managing Agents. It was precisely in contemplation of such a contingency that rule 13. of the new Regulations of 1954, had to be introduced as stated by Shri L. H. Das, S.P.W. 5, at pages 38-39. In 1948, Barasat-Basirhat Light Railway Co., Ltd., and Baktiarpur Bihar Light Railway Co., Ltd., went out of the management of Martin Burn Ltd. Then, as stated by Shri Das, at pages 44-45, no new Head office was set up; the old Head Office continued and the staff of the two Railway Companies concerned on the lines went with the companies under the new management and portion of the Head office staff was transferred to the new Railways, the rest continuing in their old position.

Apart, however, from this argument of Shri Saniyal there are certain facts which transpire from the evidence. These are first, that the head office of the Railways works in a building contiguous to the building in which the head office employees of Messrs Martin Burn Limited and their Associated Companies work; secondly, that the employees of M/s. Martin Burn Ltd., and their Associated Companies are treated alike in respect of their service conditions as regards their pay, Dearness Allowance, etc.; and thirdly, that in their case as well as in the case of the head office employees of the Light Railways, bonus has been always declared by the managing agents, although the bonus declared for the head office staff of the Light Railways has been at different rates from that declared for the employees of M/s. Martin Burn Limited and their Associated Companies. It is true that when a large number of workmen, working under different employees, connected with each other through the Managing Agents or otherwise, works in contiguous places, there is bound to be a certain amount of heart-burning amongst those of these employees who are treated less liberally than the rest and such heart-burning is not quite conducive to their loyalty and efficiency. But then, though it is desirable that the differences should, as far as possible be removed, it is hardly possible to direct their removal, irrespective of other considerations, such as the financial position of the concerns which pay the staff, less liberally treated, as compared to that of the concerns which pay their staff more liberally. There is no evidence before me as to how the other concerns under the Managing Agency of Messrs Martin Burn Ltd., compare with the Light Railways financially. It is therefore impossible for me to say on the materials before me that in view of the general undesirability of the existence of such differences they should be removed by the head office employees of the Light Railways being placed on a par as regards their emoluments etc. with the head office staff of Messrs Martin Burn Ltd., and their Associated Companies.

On the first issue, Shri Dey on behalf of the Railways raised two questions of law namely first, that the Union's claim that they should be treated as part of the Managing Agents' staff is barred by the principles of *res judicata*, in view of the award Ext. H, passed by Shri A. Das Gupta on 1st June, 1957, and secondly, that on the assumption that the reference is valid, issue No. 1 cannot be gone into on a reference by the Central Government because the Central Government is not the appropriate Government for reference of an industrial dispute between Messrs Martin Burn Limited and their employees, if really the issue referred is whether the workmen are the employees of the Managing Agents. Alternatively he has argued that the reference itself is invalid on three grounds namely first that no industrial dispute exists as between the Railways and their employees on the

assumption that the employees are the employees of Martin Burn Limited; secondly that there is no industrial dispute when the employees of the railways claim to be treated as the employees of the Managing Agents and thirdly that issue No. 1, as worded, does not disclose any industrial dispute.

I shall first of all dispose of the second objection raised on behalf of the Railways. If the reference is valid, it is the Tribunal's duty to decide Issue No. 1. The contention about the invalidity of the reference does not seem to me to be tenable because *prima facie* at any rate the employees were the employees of the Light Railways but in view of the Union's case they are in fact and law the employees of the Managing Agents and that they should be so treated, there is a dispute between these employees on the one hand and on the other the Railways as well as M/s. Martin Burn Ltd. the Managing Agents. There is thus an industrial dispute and as a matter of fact the order of reference, as pointed out by Shri Sanjyal, is very carefully worded when the dispute was described as one between the "employees" in relation to the Martin's Light Railways and their workmen in the headquarters' office. As the employees are *prima facie* the employees of the Railways the Central Government was the appropriate Government to make the reference; and issue No. 1, which shows what the demand of the employees is itself discloses an industrial dispute. It is also my finding that in fact and law that these employees have always been the employees of Martin's Light Railways and that there are no convincing grounds for treating them as the employees of the Managing Agents. I am therefore, unable to agree with this contention of Shri Dey.

The question whether the first issue is barred by the principles of *res judicata* is only of academic importance in view of the findings I have arrived on the merits of the question. But still as the matter has been argued at considerable length by both sides I shall dispose of the matter as shortly as possible. The Supreme Court in the case between Messrs Burn and Co., Ltd., and their employees, 1957, 1, L.L.J. page 226 has laid down at page 230 that although the rule of *res judicata* enacted in Civil Procedure Code does not apply to awards in Industrial Disputes in terms, the principles enunciated by it do apply. Yet in the case before the Supreme Court, the Supreme Court interfered on the ground that there was in the previous award an error of a fundamental character on the face of the record. The Supreme Court also laid down in this case that a previous award, particularly, on matters intended to have long term operation would operate as *res judicata* until and unless it is shown that it is liable to modification by a change in the circumstances on which it was based. In the case between Remington Rand of India and its workmen in 1962, 1, L.L.J. page 287, the Supreme Court referred to this decision but said that the decision of Industrial Disputes in a large number of matters may not easily admit the application of all the technical implications of the doctrine of *res judicata* and held that a claim made by the workmen as regards increase of dearness allowance could not be held to be shut out on the ground of *res judicata*. These are the two leading decisions on the point. The Calcutta High Court in the case between Walford Transport Ltd., and the First Industrial Tribunal, West Bengal and Others 1961, 1, L.L.J. page 25 followed the Supreme Court decision in the Burn and Co.'s case and held that the same issue having been decided not long ago and there being no change of circumstances to show that there should be different considerations, the decision was hit by the mischief of *res judicata*. Shri Sanjyal on behalf of the Union contended in the first place that there was a fundamental error on the face of the award Ext. H, and this fundamental error he enunciated as the Tribunal's omission to take into consideration how the relations between the workmen and their employers originated. He also argued on behalf of the Union that the award Ext. H, comes within the mischief of section 44 of the Indian Evidence Act, which lays down that a decision obtained by fraud or collusion could not be held to be binding on the parties. The facts from which these two contentions arise are briefly that before Shri Das Gupta Ext. 3, the agreement under the old Regulations and Ext. 4, the House Magazine were not produced in evidence by either of the parties. In the Union's written statement there is no explanation offered for the Union's omission to file these documents before Shri A. Das Gupta. All that is stated about it occurs in paragraph 8. It is stated there that the Railway Administration "deliberately" refrained from producing the service agreements between the administration and the workmen nor could the workmen secure the said agreement. The word "bilaterally" was obviously a clerical mistake for "deliberately" and it was corrected after the Railways had filed their written statement. Admittedly, the Union did not ask for the production of these documents, during the hearings of that reference, and admittedly also the other side did not produce the same. Shri S. K. Mukherjee in

his examination in chief at page 7 says that before that Tribunal Exts 3, 3(1) and 3 were not produced by the Union because they had no opportunity to produce them and it did not strike the Union that these documents should be produced before that Tribunal and the Union has filed these documents now "after a good-deal of research". In cross examination he says at pages 12 and 13 that he did not participate in the proceedings before the Das Gupta's Tribunal on behalf of the Union and could not say what happened during those proceedings and further that when he said in examination-in-chief that they had no opportunity to produce before the Das Gupta Tribunal the service agreement and the magazine he said so because he had heard of this from the previous president of the Union and he had no personal knowledge of that himself. Then, when he was confronted with the report of the Central Regional Labour Commissioner, Ext. A(f), that they did not produce before Shri Das Gupta relevant records for showing that they were the employees of Messrs Martin Burn Ltd, in order to ensure cordial relations between the management and the employees, he says that this, also he had heard from the previous president of the Union, and it is true, and the President had told him that the magazine and the Service Agreement could not be produced before that Tribunal in order that there would be happier relations between the management and the employees. In view of those conflicting explanations given by Shri S. K. Mukherjee who on his own showing does not know anything about these matters, it was essential for the Union to produce before the Tribunal a witness who knew the actual reasons which prevented the Union from filing the documents before the Tribunal. The General Secretary of the Union Shri Balaram Bhattacharjee who signed the verification at the end of the Union's written statement was present in the court, as admitted by Shri S. K. Mukherjee but he was not put in the box. In the circumstances, it must be held that the Union has not been able to prove why it did not call upon the management to produce the agreement before the Tribunal. Of course the management could have on its own produced those documents but it did not. The question now is the Tribunal's omission to take into consideration the documents which were not produced by either party could have constituted a fundamental error on the part of the Tribunal or whether the non-production of any such document could have constituted fraud on the part of the management. The Tribunal has undoubtedly the power to call upon the parties in possession of relevant documents to produce them if it thinks it essential to do so in the interest of justice. When a Tribunal does not use this power for the production of a document which neither party brings to its notice as being necessary in the interests of justice, it can hardly be said that it commits an error of a fundamental nature apparent on the face of the record. To hold the Tribunal guilty of such an error because of its omission to do something which it might have done but did not when neither party brought the necessity of its doing so to its notice would be to absolve the parties of all their duties in connection with the production of relevant materials before it and to hold it responsible for the production of such documents, when in all probability it might have not known at all of the existence of such documents. The other part of the contention is that the management committed fraud by not producing the documents. It would certainly have been better for the management to produce the documents but every party has a complete discretion in the matter of producing whatever evidence it thinks best. When the Union did not call upon the management to file these documents there was no legal obligation on the part of the management to produce them. When there was no legal obligation on the part of the management to produce these documents, its non-production of these documents cannot warrant any inference of fraud against it. Even if it had failed to produce the documents, in spite of its legal obligation to do so, that by itself could not have justified any inference of fraud on its part. The utmost that the Tribunal could have done was to presume that had the documents been produced they would not have supported the management's case but that is hardly the same thing as fraud. The argument therefore, advanced on behalf of the Union that the judgement of Shri Das Gupta was obtained by fraud because the management did not produce the documents in question seems to me to be quite untenable.

As far as Issue No. 1, and particularly the first part of it, namely whether the employees were the employees of the Managing Agents or of the Railways is a question on which there could be little change between the award of Shri Das Gupta, and the present reference, apart from changes in the terms of agreement between the employers and the employees. If there was a change at all, it occurred in 1954, when the new Regulations came into force and that was long before the reference to the Das Gupta Tribunal. It is also not alleged in the written statement of the Union or in evidence that there has been any change effected on this issue during the period between the Das Gupta Award and this reference. Conse-

quently, the principles of *res judicata* will apply and bar this part of the issue. As to the other part of the issue, namely whether the employees should be treated as the employees of the Managing Agents also there could have been little changes between the award of Shri Das Gupta and this reference and no such changes are alleged in the Union's written statement, or proved by its evidence. Consequently this part of the issue also is hit by the principles of *res judicata*. In other words, I hold that this issue is barred by the principles of *res judicata*.

On the merits of issue No. 1, therefore, my finding is that the employees of the head office of Martin's Light Railways are not in fact and law and never were, the employees of the Managing Agents but they were and are the employees of the Light Railways and there is in my opinion, no adequate ground for treating these employees as the employees of the Managing Agents. Even if however, my findings had been in favour of the Union there could have been no award on this issue as it is barred by the principles of *res judicata*.

Issue No. 2.

As Issue No. 1 has been answered in the negative, Issue No. 2, how now to be taken up. It relates to the Union's demand for "enhancement of the pay scales", "Dearness Allowance" and the "rate of puja bonus". I shall deal with these one by one.

Enhancement of pay scales.

The Union in Annexures A, and B, to its written statement which are later marked Exts. 21, and 21(1) showed the existing grades of the different categories of workmen involved in this dispute and also the proposed revised grades. There is no dispute between the parties as to the existing grades. The correctness therefore of Ext. 21, must be assumed. Shri Dey on behalf of the Railways also raised the question of *res judicata* as regards the wage scales, his contention being that the rising living index cost figure cannot affect the wage scale which are meant to have a long-term operation although it does affect the dearness allowance and consequently Ext. H, should bar a fresh consideration of the wage scales laid down therein. At the same time Shri Dey has conceded that the minimum of Rs. 60 payable to certain categories of workmen at present should be raised to Rs. 65; in other words he has conceded that there is sufficient ground for revising at least the minimum pay of certain categories of workmen and to raise it from Rs. 60 to Rs. 65. The demand however, on behalf of the Union is to raise it to Rs. 70 in place of Rs. 60. The first question therefore, that has to be decided now is whether the minimum of the grades of clerks in items Nos. 5, 20, and 21, of Ext. 21, should be raised from Rs. 60 to Rs. 65, as conceded by Shri Dey or Rs. 70 as demanded on behalf of the Union. In Ext. H, issues 3, and 4, relate to pay. Issue No. 3, was whether 50 per cent. merger of dearness allowance at the increased rate with pay should be granted. Issue No. 4, was whether 25 per cent. increase in the maximum of all grades after the present maximum is justified. There was no demand before that Tribunal for a general revision of the scales of pay of the subordinate staff. It is therefore, hardly possible to hold that Ext. H, bars a fresh consideration of the scales of pay of the subordinate staff of the head office.

On behalf of the Union reliance was placed for this point on the decision of the Labour Appellate Tribunal in two appeals between the Caltex Employees' Union and Caltex India Ltd., 1952, L.A.C. page 402. In this award the Labour Appellate Tribunal calculates the minimum wages at Rs. 67.50 n.P. on the basis of the basic requirements of a workman for food etc., according to the data supplied by Dr. Akroyd and then gives him a decent margin of Rs. 12.8-0, over that and fixes the minimum basic pay at Rs. 80. That of course, was in a case where the capacity to pay was not in dispute. Shri Sen Gupta who argued this point on behalf of the Union says that the Union in this case has not claimed as much as Rs. 80, but demanded only Rs. 70 for the clerical grade. I do not think that the minimum pay of Rs. 70 in the clerical grade is in any way unreasonable, for it would leave an employee receiving that basic pay, only a margin of Rs. 2.8-0, after meeting his basic requirements in food, clothing and shelter. I therefore, hold that the minimum basic pay of clerks, Cash Counters and Cash Assistants should be raised from Rs. 60, to Rs. 70, a month. That necessarily leads to a change in the scales of the grades affected, for annual increments of Rs. 3, from a minimum of Rs. 70, cannot lead to a stage when Rs. 90, will be payable. The grades of clerks, Cash Counters and Cash Assistants are therefore, revised as follows: Rs. 70—3—94—4—134. This introduces only such changes in their grades as are consequential on the introduction of a minimum salary of Rs. 70 a month.

Shri Sengupta argued that as increase of the minimum should be accompanied by an *ad hoc* general increment for each workman in each grade and this is what was suggested in a note to Ext. 21(1). If I have understood this suggestion correctly, it means that every one should be given an *ad hoc* increment of Rs. 10, so that the existing difference between the pay of those who will benefit from the increase of the minimum and that of those who will not, may be maintained. I do not feel satisfied that on principle there is any case for the existing differences being maintained. The minimum has to be increased because it is not considered sufficient. That consideration cannot extend to those who are already in receipt of Rs. 70 a month. Besides, an *ad hoc* increment to every one will upset the existing scales of pay in almost all the grades which I am not in a position to raise on the materials before me and which in my opinion do not call for any revision. But in order that a token difference may be maintained between those who will now be receiving an increment of Rs. 10, on the minimum being increased from Rs. 60 to Rs. 70, and those who are already receiving more than Rs. 60 but less than Rs. 70 and also more than Rs. 70, I think it will be sufficient if I grant one advance increment to those drawing less than Rs. 70, at present but more than Rs. 60, after their pay has been fixed at Rs. 70, and two advance increments to those who are already receiving Rs. 70, or more in the grades affected, namely the grades of clerks, Cash Counters and Cash Assistants. I am conscious that this will place on those who are receiving Rs. 66 and Rs. 69 so that their existing differences will vanish. I am also conscious that the existing differences in pay between members of the staff who alone benefit from the increase in the minimum and those who do not will be reduced. But this should not be a legitimate ground of complaint, because, as I have already said, the extent of the need of those who receive less than Rs. 70 is certainly greater than that of those who receive Rs. 70 or more. The other grades where the minimum is Rs. 70 are not really affected in any way by a rise in the minimum of the grades of clerks, Cash Counters and Cash Assistants and there is hardly any reason why there should be any advance increment in those grades.

Apart from those receiving less than Rs. 70, a comparison of Exts 21 and 21(1) at once shows that the minimum pay of only the Section Head was sought to be raised by the Union from Rs. 130 to Rs. 160 but no reason has been assigned why it should be raised from Rs. 130 to Rs. 160. There are certain categories of workmen such as Ticket Counters, Literate Sorters and Duftries, Ticket Binders, Peons, Armed Guards, Durwans, Car Drivers, watermen and Sweepers whose minimum pay appears to be lower than Rs. 60 and the Union has not made any demand for any rise in their minimum pay, presumably because these categories of workmen belong to the working class and are not meant to do work which requires literacy as the minimum qualification for it, whereas the other categories of workmen belong to the middle class and are meant to do work where literacy is essential. As the only other category of workmen for whom the Union has demanded a rise in the minimum from Rs. 130 to Rs. 160 is the Section Head and as no reason has been assigned why this should be raised, I find it impossible to say that this demand is justified.

The proposed revised grades in Ext. 21(1) show that the Union asked for a revision of the grades of all categories of workmen. The Special Head Clerk whose existing grade is Rs. 200—17—350 is sought to be raised to a maximum of Rs. 420 by annual increments of Rs. 20. The next is the Head Clerk whose existing grade is Rs. 190—10—260 and Union's proposal is that it should be raised to Rs. 340 by annual increments of Rs. 15. Then comes the Section Heads whose existing grade is Rs. 130—6—190. The Union's demand is that it should be Rs. 160—10—260. The existing grade of the General Assistants is Rs. 120—5—160. The Union wants to raise it to Rs. 120—7—190. The existing grade of clerks is Rs. 60—3—90—4—134. The Union's demand is that it should be Rs. 70—4—138—7—180. The existing scale of stenographers is Rs. 110—5—160—EB—10—200. The Union's proposal is to make away the efficiency bar altogether and to make the scale Rs. 110—7—180—15—300. The existing scale of head typists is Rs. 110—5—150. The Union's proposal is that it should be Rs. 110—10—240. The existing scale of typists is Rs. 70—4—130. The Union's proposal is that it should be Rs. 70—4—138—7—180. The existing grade of Comptometer Operators (Special) is Rs. 130—6—190. The Union's proposal is that it should be Rs. 190—10—240. The existing scale of Comptometer Operator is Rs. 70—4—124—EB—6—160. The Union's proposal does away with the efficiency bar and makes the scale Rs. 70—4—138—7—180 or the same as that of the typists. The existing scale of Draftsmen senior is Rs. 100—5—150. The Union's proposal is that it should be made Rs. 100—10—200. The existing scale of draftsmen junior is Rs. 70—3—100. The

Union's proposal is that it should be Rs. 70—4—138—7—180. The Cashier's existing scale is Rs. 200—10—300. The Union's proposal is that it should be Rs. 200—15—350. The existing scale of Pay Clerks, senior is Rs. 145—5—190. According to the Union it should be Rs. 145—10—235. The existing scale of Pay Clerks, junior is Rs. 96—4—140, whereas according to the Union's proposal it should be Rs. 96—6—168. The Cash Counter's existing scale is Rs. 60—3—90—4—180. The Union's proposal is that it should be Rs. 70—4—138—7—180. The Cash Assistants' existing grade is exactly like that of the Cash Counters and the Union's proposal also is the same as in the case of the Cash Counters. These are all the middle class employees; Then as to the working class employees the Ticket Counter's existing scale is Rs. 50—2—70. According to the Union's proposal it should be Rs. 50—2—70—3—81. For the Literate Sorter and the Duftry, the existing scale is Rs. 35—1—50. The Union's proposal is that it would be Rs. 35—2—55—3—70. The Ticket Binders' existing scale is Rs. 30—4—35. The Union's proposal is that it would be Rs. 30—1—40—EB—1—50. In other words, in the case of Ticket Binders the Union introduces an efficiency Bar whereas the employers did not think it necessary to introduce anything like an efficiency bar in the case of such an employee. The Peons' existing scale is Rs. 30—4—35—4—40, whereas the Union's proposal is exactly the same as in the case of Ticket Binders. The present scale of the Armed Guards is Rs. 40—1—55. The Union's proposal is that it should be Rs. 40—1—50—2—70. The existing scale of durwans is Rs. 32—4—40, whereas the Union's proposal is that it should be Rs. 32—1—42—EB—1—52. The Car Drivers' existing grade is Rs. 60—3—90. The Union's proposal is that it should be Rs. 60—4—100. The Watermen's existing grade is Rs. 30—4—35 and that is also the existing grade of the Sweeper. The Union's proposal in both the cases is that the scale should be Rs. 30—1—40—EB—1—50. It is difficult to discover any uniform principles underlying the proposals of the Union. The existing annual increments have been increased in some cases and the maximum increased in almost all grades. The object in increasing the maximum of the different grades is, as pointed out by Shri Sengupta, to give the employees in different categories a longer period than under the existing scales during which they could look-forward to annual increments so that they might not have to stagnate sufficiently early in their career. In the absence of any evidence to show what is the nature of the work each of those categories of workmen is meant to do and what their qualifications are, it is almost impossible for me to say at what figures the maximum of a grade should be fixed and what annual increments should be just for each category. It is certainly desirable that no workman should reach the maximum of his grade sufficiently early without any prospect of promotion to a higher grade and if there is a prospect of promotion to a higher grade for those at least who are deserving, the incentive to efficiency is not likely to be lost or reduced. From that point of view I think the Managing Agents and the Railway Companies should consider whether it is not possible to introduce a system under which the different categories of workmen may be promoted from one category to another, if, of course, they satisfy the required standard of efficiency. As there are no materials before me on which I could make any definite recommendation I have to leave this to the employers in the hope that they will do their best to do something about it, if only as a safeguard against their workmen supposing from a sense of frustration early suffering from in their career by reason of the fact that they have nothing further to look forward to after reaching the maximum of their grades. If the employers give effect to this suggestion of mine, that ought to satisfy to a certain extent the demand of the workmen regarding the increase of the maximum of the grades. Of course Shri Sengupta argued that the maximum of the different categories should be raised if only for those who cannot expect to rise above the particular grade they belong to. But to my mind, unless the maximum appears to be quite unreasonably low, it should not be raised only for the sake of those who cannot expect promotion to higher grades, because of their inability to reach the required standard of efficiency. There may, of course, be cases when promotion is blocked by reason of inadequate vacancies in higher grades but that should normally mean a block only for the time being but not for all time. On the existing materials therefore I find it difficult to say that the annual increments asked for and the increase of the maximum asked for on behalf of the Union are fully justified. But I have already said before it is certainly desirable that promotion should be made easy for the workmen of this class from a lower category to a higher one and deserving members of the staff should be allowed to reach the highest position open to them by meritorious work.

As regards however non-clerical members of the subordinate staff such as Ticket Counters, Literate Sorters and Daftaries, Ticket Binders, Peons, Armed

guards, Durwans, Car Drivers, Watermen and Sweepers, it does appear to me that there are certain things which ought to be changed in their favour; for example, an increment of half a rupee a year in the case of Ticket Binders, Peons, Durwans, Watermen and Sweepers seems to me to be ridiculously low in these days and the Union is quite right in asking for an annual increment in their case of Re. 1/-. Wherever therefore, the annual increment is half a rupee, it should be raised to Re. 1/-. In the case of these workmen, the pay or all of whom is fairly low, there is hardly any scope of promotion from one category to another. Consequently in their case I think there is considerable room for an increase of the maximum. A Ticket Counter, apart from a Car Driver, seems to be the recipient of the highest salary amongst this class of workers, his existing scale being, as I have already said, Rs. 50—2—70. In other words after he will serve for 10 years he will reach his maximum and there is no prospect of promotion open to him unless he learns how to drive a car. In the circumstances I think in the case of Ticket Counters, the scale should be Rs. 50—2—80. The Literate Sorter and the Daftry whose existing scale is Rs. 35—1—50 and whose scale according to the Union should be Rs. 35—2—55—3—70 should be put on the following scale namely Rs. 35—2—65. In the case of the Ticket Binders the Union's proposal is that their scale should be raised from Rs. 30 to Rs. 50/-, with annual increments of Re. 1/- with an efficiency bar of Rs. 40/- I do not think an efficiency bar should be introduced in their cases when the employers do not think it necessary to introduce it. But their scale should be Rs. 30—1—50. In the case of the Peons the maximum is at present higher than that of the Ticket Binders and I think the scale of the Peons should be as follows: Rs. 30—1—40—2—50. In this way the difference between the existing maximum of a Peon and that of the Ticket Binder is retained. In the case of the Armed Guards, the Union seeks to raise the scale to a maximum of Rs. 70/- by giving them annual increments of Rs. 2/- after they reach Rs. 60/-. An Armed Guard is not likely to be capable of promotion to any higher grade and consequently his maximum should be raised to Rs. 60/-. His scale therefore, should be, Rs. 40—1—50—2—60. In the case of the Durwan the Union has introduced an efficiency bar and sought to raise the grade to a maximum of Rs. 52/- from Rs. 40/-. I think Durwans should be on a scale of Rs. 32—1—47. In the case of Car Drivers who also are not likely to be promoted to any higher grade because there is no higher grade amongst these categories of workmen than that of their own, the Union's proposal that their maximum should be raised to Rs. 100/- seems to me to be quite reasonable. But it should be raised to Rs. 100/- not in the way suggested by the Union, namely by giving him annual increments of Rs. 4/- all the way but making his scale as follows: Rs. 60—3—90—2—100. In the case of the Waterman and the Sweeper there is also no scope of promotion and there is good ground for raising their maximum and I think the maximum should be raised to Rs. 45/- by annual increments of Re. 1/- instead of Rs. 50/- as proposed by the Union.

I think in view of the financial condition of the Railways concerned, which appears from Ext A(1) prepared by Shri L. H. Das, from the balance-sheets I shall not be justified in raising the scales any further. It is true that the three Railways, managed by M/s McLeod & Co. have been paying their workmen higher rates of pay with effect from 1st January 1961. It is also in evidence that there is a guarantee by the Union Government of a 3½% return on the paid up share capital of these Companies. This guarantee makes it more or less immaterial for them how far they increase their expenses by having to pay their workmen at higher rates. Shri Sengupta also referred to certain observations by Rajadhakshva J of the Bombay High Court at pages 86-87 of his report in a Trade Dispute raised by the Non-Gazetted employees of the Posts and Telegraphs Department. The report is dated the 15th July, 1946.

"If on a dispassionate consideration of the question it is found that the employees are not getting a reasonable wage it is for the Government, and therefore indirectly for the public, to find money by a suitable executive or legislative action".

It is true that the parties to whom the employees of a particular employer render any kind of service must pay adequately for the services rendered to them. That the members of the public who are not before me are not paying adequately for the use they may make of these Railways is something it is extremely difficult to believe in these days and after all, there is a limit to the paying capacity of this silent and inarticulate class the members of the public. In any event on the materials before me, it is impossible to suggest that the Head Office employees of the Railways are entitled to a further rise in their emolument even by raising the fares etc.

Dearness Allowance

The Union asked for the adoption of the scheme of dearness allowance introduced by the Bengal Chamber of Commerce while this is resisted on behalf of the

Railways on the ground that it is far too liberal for the finances of the Railways to bear.

Ext 8 shows the basis of calculation for the clerical staff in this scheme and it is as follows:—

The basic salary is fixed at the point when the middle class cost of living index figure is 180. The figures above 180 are divided into groups of 10 points each and every time the middle class cost of living index figures moves into a higher group, the dearness allowance is raised by 5% on the first Rs. 100/- of basic pay, 2½% on the next Rs. 100/- and 1½% on the remainder of basic pay. The minimum dearness allowance was calculated on the basis of an increase of Rs. 3/- for every rise of the index figure into the next higher group and the non-clerical members of the subordinate staff was paid dearness allowance at the fixed rate of minimum dearness allowance payable at any particular time.

It appears that this scheme was adopted by the Bengal Chamber of Commerce as far back as 1948.

It is argued on behalf of the Union that even this scheme does not compensate the lowest paid workmen drawing upto Rs. 100/- fully for the rise in the cost of living index figures, though for such workers, there should be full compensation. It is obvious that a rise of 5% for every rise of ten points above 180 represents only 90% compensation and not full compensation. It is also obvious that the scheme contemplate that even the employees at the lowest ring of the ladder should bear 10 per cent. of the rise in the cost of living.

Ext AAH is a comparative statement of the dearness allowance payable according to the Bengal Chamber of Commerce Scheme when the middle class cost of living index figure is 471, and of the dearness allowance and compensatory allowance at 15% payable by the Light Railways. On the first Rs. 100/- of basic pay, dearness allowance under the scheme of the Bengal Chamber of Commerce, is 150%, whereas the Railways pay at 120%: on the next Rs. 100/- the Bengal Chamber of Commerce pays at the rate of 75% while the Railways pay at the rate of 55% and on the balance of the salary, both pay at the rate of 5%. In this, only 15% of the compensatory allowance has been taken into consideration, though admittedly the Railways have been paying this at the rate of 22½% since January, 1960, the remaining 74% being left out of consideration here in order that it might be taken into account in connection with bonus.

Undoubtedly, what the Railways have been paying is less liberal than what is payable under the Bengal Chamber of Commerce Scheme. The scheme appears to have been adopted in the award Ext 8 of the Mercantile Tribunal, of which Shri A. Das Gupta, responsible for the award Ext H was the Chairman. He still says in Ext. H that the Tribunals were usually loath to accept this scheme. In the Tramway Tribunal's (1950, II, L.L.J page 450) this scheme was not accepted. There may have been other awards like this.

I am inclined however, to think that at the lowest level dearness allowance should be as near full compensation for the rise in the cost of living index figure as it is practicable to make it. That only means that those of the clerical staff who are paid upto Rs. 100/- should receive dearness allowance at a rate which substantially, though not fully, compensates them for the rise. At the existing figure of the middle class cost of living index figure, it is 13% according to Ext AAH. Those of the clerical grades who receive Rs. 100/- or less per month should be paid dearness allowance at the rate of 135% of their pay, so that along with 15% compensatory allowance it comes to 150% with every rise or fall of 10 points in the index figure. The dearness allowance should rise or fall by 5%. The dearness allowance of others is left untouched on the ground that they can share the burden of the rising cost of living to a greater extent than the lowest paid workmen.

For the non-clerical members of the subordinate staff, the dearness allowance payable under the scheme of the Bengal Chamber of Commerce is at a fixed rate, the fixed rate being calculated on the basis of Rs. 3/- for every rise of ten points above 180 on the middle class cost of living figure. This does not seem to me to be a very reasonable basis of calculation, because the dearness allowance which is meant to compensate for the rise in the cost of living must be calculated on the basis of the cost of living of that particular class to which the workmen belongs. These members of the staff at present receive dearness allowance at the rate of Rs. 40/- on basic pay from Rs. 30/- to Rs. 50/- and of Rs. 45/- on basic pay from Rs. 51/- to Rs. 100/-. As employees receiving less than Rs. 100/- are to be compensated to the extent of 90% for a rise in the cost of living, I think the fixed rule

of dearness allowance for these members of the staff should be abandoned and a fixed percentage of the basic pay should be accepted as the proper standard of compensation. The present working class cost of living index figure is 403. In 1942, it was 144 and in 1943, it had already risen to 280. There has been thus a rise above 180 by 223 points or 23 groups of ten points each. The scale of dearness allowance laid down by the Bengal Chamber of Commerce is 5% for every rise of 10 points. At present therefore, it should be 115%. I think the dearness allowance for the inferior or non-clerical members of the subordinate staff should be at 115%, subject to a minimum of Rs. 40/-. For every rise or fall of 10 points in the working class index figure, there should be a rise or fall in the dearness allowance by 5%.

BONUS

The Union's case about bonus is contained in paragraphs 20 to 24 of its written statement. There it makes the case that since 1944 the workmen have been given puja bonus at varying rates and that in 1959 the Railway Administration with an ulterior motive reduced the amount of puja bonus to 1-1/2 months' basic pay and in 1960 it refused to pay bonus at a rate higher than one month's basic pay. The workmen refused to accept the same claiming at the rate of 3-1/2 months' basic pay. In paragraph 22 it makes the case that each of the Railways individually has been paying since 1955 puja bonus or festival bonus at the rate of one month 10 days' basic pay and in that view of the matter the workmen of the combined head office of the five railways are entitled to puja bonus at a much higher rate than 3-1/2 months' basic pay.

The employers' case on the other hand, on the issue of bonus, as stated at page 6 of its written statement, is that upto the year 1949 the head quarters office clerical staff used to be paid a puja bonus of one month's basic salary provided they had completed 8 years' of service. For service below 8 years bonus was proportionately less, and in 1950, the service qualification of 8 years was reduced to 5 years, and the clerical staff were paid a special lump sum of Rs. 60 in addition to bonus of one month's basic salary, in 1951 and 1952 a special payment of Rs. 75 was made to them in addition to bonus of one month's basic salary. In 1953 and 1954 the bonus was increased to 1-1/2 months' basic salary. In addition a special payment of Rs. 75 was made. From 1955 to 1957 the bonus was at the rate of 2½ months' basic pay or 1½ months' basic pay plus Rs. 75, whichever was higher for service of 1 year and above and Rs. 100 for services below 1 year. Maximum bonus for 1955 and 1956 was fixed at Rs. 650. Then it is stated that from 1st December, 1957, S.S. Railway which used to bear 45 per cent of the bonus payment, had to face severe competition from the road and its earnings suffered a precipitous drop. Its net profits also declined substantially in 1957-58 and it suffered a loss of Rs. 3.64 lakhs in 1958/59. The position still continues to be very serious, and unless a solution is found of the rail road competition, it will be difficult to run this railway economically. In the circumstances and as the financial position of the other Railways also deteriorated during the past few years *inter alia* due to continuous increase in prices of commodities without any corresponding rise in the earnings, it was not found possible to maintain the increased bonus sanctioned in 1955, 1956 and 1957 and bonuses for the year 1958 and 1959 were progressively reduced from 2½ months to two months in 1958 and then to 1½ months in 1959. It was made clear to the staff that the Railways' intention was to bring the quantum of bonus down to one month's basic salary as it had been before 1953. Moreover, the Railways increased the compensatory allowance of head office staff from 15 per cent of their basic salary to 22½ per cent from 1st January, 1960, on the clear verbal understanding that their future bonus, if any, (i.e. bonus payable in 1960 onwards) shall not exceed one month's basic salary. It is the case of the Railways that bonus of one month's basic salary which the Railways have offered for the year 1960, together with the increase in compensatory allowance amounts to a total payment equivalent to 1 month 27 days basic salary against the bonus of 1½ months' basic salary paid in 1959.

The Union has not made it clear in its written statement whether it claims the puja bonus as a customary bonus or as a part of the terms and conditions of their employment. Shri Dey on behalf of the Railways argued that if they claim it as customary bonus, the fact that this bonus has been paid at varying rates establishes that it is not customary bonus. On the other hand, it has been argued by Shri Sengupta on behalf of the Union that the Union claims it not as a customary bonus but as part of the terms and conditions of the service of the employees. In the case between Ispahani Limited, Calcutta and Ispahani Employees' Union, 1959, 2, L.L.J., 4 it has been laid down that for inferring an implied agreement between the workmen on the one hand and their employer on the other, creating

a term of employment for payment of bonus, the following tests must be satisfied:

- (1) that the payments must be unbroken;
- (2) that they must be for a sufficiently long period;
- (3) the circumstances in which payment was made should be such as to exclude that it was paid out of bounty.

The Supreme Court also made it clear "that the length of period to justify the inference of implied agreement would depend upon the circumstances of each case. The fact of payment in a year of loss would be an important factor in excluding the hypothesis that the payment was out of bounty and in coming to the conclusion that that it was a matter of obligation based on implied agreement. Even if payment is not at a uniform rate throughout the period, the implied agreement to pay something could be inferred and in such a case it would be for the Tribunal to decide what is the reasonable amount to be paid as pujah bonus."

The Union's case, as I have already stated, is that from 1944 onwards a pujah bonus has been paid right upto 1959 at varying rates. It is not denied on behalf of the Railways and it is stated that upto 1949 bonus was paid at a certain rate. It must thus be assumed as an admitted fact that from 1944 onwards the Railways have been paying their head office staff pujah bonus at varying rates. Exts. AAD and AAD(1) show payment of bonus to the Head Quarters' clerical staff of the Howrah-Amra Light Railway for the years 1944-45 and then there is the admission in the Railways' written statement that upto 1949 bonus was paid at certain rates and from then onwards again at certain rates upto 1959. There was thus payment of bonus from 1944 right upto 1959. It appears from Ext. A(1) a chart showing the gross earnings, working expenses, net profits of the Railways from the years 1950-51 to 1960-61, that in the year 1958-59, the working of the five Light Railways showed a net loss of Rs. 1,35,940. But even in that year bonus was admittedly paid, as admitted by the Railways in their written statement. A closer enquiry of the chart Ext. A(1) however, shows that in the accounts for the year 1959-60 the gross earnings of Shahdara (Delhi) Saharanpur Railway Standing at Rs. 36,62,781, included the previous year's earnings to the extent of Rs. 3,88,437. If this earning had been entered in the accounts for the year 1958-59, to which they properly belong there would not have been a net loss; but there would have been a net profit of Rs. 2,52,197 and to that extent the net profit for the year 1959-60 would be diminished by Rs. 3,88,437 or in other words the net profit for that year would be reduced to Rs. 28,395 only. Thus, although on final accounting for the two years, namely 1958-59 and 1959-60, each year showed a net profit in the accounts for the year 1959 as they stood before the accounts for the year 1959-60 had been made up there was a loss to the extent of Rs. 1,35,940. But even then the company declared a bonus, the bonus for 1958 being two months instead of $2\frac{1}{2}$ months as in the previous year and in 1959 it was reduced to $1\frac{1}{2}$ months in place of two months as in 1958. The fact that bonus was declared in a year when the accounts as they stood at the time showed a loss would seem to negative the theory that it was paid out of bounty. Clearly then, are certified all the three tests laid down by the Supreme Court in Ispahani's case namely that the payments were unbroken, that they were for a sufficiently long period and that they were paid in circumstances which go to exclude the theory that they were paid out of bounty. It must accordingly be held that the Light Railways paid their head office staff bonus as a matter of an implied agreement between themselves and their employees creating a term of employment for payment of bonus.

As the amounts varied it is open to the Tribunal in every case to fix the amount of bonus payable for a particular year. The question now is how this amount should be fixed for the years 1960 and 1961. The Union claims, as I have already said at the rate of $3\frac{1}{2}$ months' basic pay for each of these years which according to the Railways there was a verbal understanding between the management and the workmen that pujah bonus should be at the rate of one month's basic wages in view of the fact that there was a rise in the compensatory allowance from 15 per cent to $22\frac{1}{2}$ per cent with effect from 1st January, 1960, which, according to the Railways amounts to bonus at the rate of 27 days' wages if this increased compensatory allowance is paid throughout the year. That this increase of compensatory allowance, if paid throughout the year amounts to 27 days' basic wages, has not been denied or disputed on behalf of the Union. I therefore, accept it as correct.

The so-called agreement was admittedly not reduced to writing, so it rests only on oral evidence. On the side of the Union no one has been examined who could throw any light on the point. Shri S. K. Mukherjee, the only employee of the head quarters office of Martin's Light Railways who has been examined for the Union, says in his cross examination that in 1959 September, a deputation of the employees of the Railways waited on the General Manager of the Railways. He was not present in that deputation and hence he could not say if that deputation went to see the General Manager in connection with the reduction of the bonus from two months to one month's basic wages. He says further that the deputation consisted of Sarbasri Suprokash Mitra, President of the Union, Nirmal Kumar Bose, Karuna Das, General Secretary, Nitai Chandra Patra, Treasurer, Anil Kumar Mitra, member of the executive committee and others. He did not remember if Tarapada Paul, Sripati Banerjee, Krishna Dulal Das, Nishit Kumar Mitra were members of the deputation. He further says that he never attempted to know even upto now what transpired during the discussions between the General Manager and this deputation and he says that he does not know if during the discussions the General Manager suggested and the deputationists accepted that bonus would be paid at the rate of 1½ months' basic wages in September, 1959 and the compensatory allowance would be raised soon and that from 1960 puja bonus would be one month and the same increase of the compensatory allowance would continue. This is all the evidence on the side of the Union. On the side of the Railways there is the evidence first of Shri Krishna Dulal Das, the head clerk of the Mechanical Department of the Light Railways. He says that on behalf of the employees at the conference there were Sarbasri Sripati Banerjee, Traffic Audit Department, Tarapada Paul, Head Clerk, Establishment section, Nishit Kumar Mitra, Comptometer, General Audit, himself, Suprokash Mitra, President of the Union, Nirmal Kanti Bose, Vice President, Karuna Kumar Das, General Secretary, Nitai Chandra Patra, Treasurer and Anil Kumar Mitra, member of the Executive Committee and the management was represented by the General Manager. He speaks of certain statements of Suprokash Mitra, President of the Union during these discussions but those statements were not recorded in view of the objection on behalf of the Union of the ground that Shri Suprokash Mitra was not examined as a witness on behalf of the Union, though it was the duty of the Union to put him into the box. Only the statements of the General Manager at the conference were recorded. According to this witness the General Manager pointed out that the compensatory allowance would be raised after 2/3 months i.e., from January next and the employees would thereby receive 7½ per cent more in the shape of compensatory allowance for 8 months. He further says that the General Manager's proposal was agreed to by the deputation and then Shri Suprokash Mitra made a statement about bonus in future years. The General Manager said then that from next year i.e., from 1960 the puja bonus would be paid at the rate of one month's basic wages and the General Manager pointed out that the rise of 7½ per cent in compensatory allowance would amount to 27 days' wages and this would be increased to 22½ per cent of basic wages from January, 1960. Admittedly that increase still continues. There is nothing in his cross-examination to suggest any reason for disbelieving his testimony. It is corroborated by the evidence of the General Manager and when there is no evidence at all on the other side that what is stated by these two witnesses as having taken place during this discussion, did not in fact take place. There is no reason at all why this evidence should be disbelieved.

There is another factor which goes to confirm this evidence, Shri S. K. Mukherjee says at page 18 of his evidence in cross examination that in 1958, they were paid bonus at the rate of two months' basic pay and they were also paid an advance of half a month's salary. That advance was subsequently recouped and in 1959 they were paid bonus at the rate of 1½ months' basic wages and they were given an advance of one month's salary. He admits at page 19 that they accepted the bonus for the year 1958, and even in 1959 they accepted the further reduction of the bonus to 1½ months' basic wages and he was not in a position to say if they protested against the further reduction of the bonus. Obviously however, when he admits that even in 1959 the further reduction of the bonus to 1½ months basic wages was accepted by them, he means to say that there was no protest against this reduction. This seems to me to lend an indirect corroboration of the evidence of the General Manager and of Shri Krishna Dulal Das because it is not likely that the Union would have accepted a reduction of the bonus in 1959 to 1½ months' basic wages from 2½ months in 1957 and from two months in the year 1958, unless it had thought that the increase in the compensatory allowance would make up to a certain extent at least for the reduction of the bonus.

Then there is other part of the evidence of the General Manager and Shri Krishna Dulal Das that from 1960 onwards the puja bonus would be at the rate of one month's basic wages. It is the evidence of Shri Krishna Dulal Das that when the General Manager said this Shri Suproakash Mitra said something when the General Manager pointed out to him that the rise of 7½ per cent would amount to 27 days' wages. The evidence of the General Manager on this point at page 30 is as follows:

"After some discussion I told them that I shall increase their compensatory allowance by 7½ per cent which would increase their emoluments by 27 days' salary over the year. The increase of emoluments would amount to 27 days' wages if this increase of compensatory allowance is paid throughout the year. If the increased compensatory allowance is paid for 8 months in any particular year the total increased emoluments will be proportionately reduced. This having been accepted I told them that the compensatory allowance would be increased from 1st January, 1960; since it was on the understanding that the bonus from the following year i.e., from 1960 onwards was to be only one month. It was accepted. If it had not been accepted there was no occasion for me to raise the compensatory allowance since there was no demand for it."

In his cross examination he was questioned as to whether there was anything in writing about it and he says that there was nothing in writing. He further says that it was a Gentlemen's agreement and he did not send any note of this agreement to the Regional Labour Commissioner because there was no occasion for it.

Although the discussions were not reduced to writing the fact that the Union has not examined any of those persons who were present during these discussion and could have testified to what happened there, entitles one to hold that the evidence of the General Manager and of Shri Krishna Dulal Das represents the truth. On the evidence of these two witnesses it must be held that the General Manager proposed and the gentlemen present on behalf of the Union accepted the proposal, that the puja bonus in subsequent years should be at the rate of one month's basic wages.

It has now to be considered whether the proposal is a reasonable one in the light of the circumstances in which the Railways found themselves at that particular time and whether the financial position of the Railways has been better or worse since then. Ext. A(1) is a chart prepared by Shri L. H. Das, S.P.W.5 from the balance-sheets from 1950-51 to 1960-61. The correctness of this chart has not been challenged in his cross-examination. It is therefore, unnecessary to refer to the balance-sheets of each of the Railways. It appears from this chart that from 1950-51 onwards right upto 1956-57 the gross earnings rose from Rs. 89,86,722 in 1950-51, to 1,06,58,520 in 1956-57. The working expenses also increased from Rs. 73,26,397 in 1950-51, to Rs. 91,78,747 in 1955-56 and to Rs. 90,59,239 in 1956-57. From 1957 onwards the gross earnings kept on fluctuating between Rs. 1,01,43,293 in 1957-58 to Rs. 1,02,96,181 in 1960-61 and the working expenses kept on fluctuating between Rs. 88,84,915 in 1958-59 and Rs. 96,01,824 in 1960-61. The result was that the net profits fluctuated between Rs. 2,52,497 in the year 1958-59 after taking into account of the receipts of Rs. 3,88,437 for Shahdara (Delhi) Saharanpur Light Railways which had gone into the accounts of the following year namely 1959-60 to Rs. 2,91,470, in 1960-61. The bonus payable in 1960 and 1961, the two years for which the bonus has been claimed in this reference is payable on the accounts of 1959-60 and 1960-61. The net profit for the year 1959-60 comes to only Rs. 28,395 after the receipts amounting to Rs. 3,88,437 entered in this year's account has been transferred to the previous year to which this amount rightly belongs. Admittedly in 1959, the head office employees of the Railways were paid at the rate of 1½ months' basic wages together with an advance of one month's salary which was subsequently recouped. I have already said that the net profit for 1958-59 comes to Rs. 2,52,497 after Rs. 3,88,437 entered in the next year's accounts have been transferred to the accounts for 1958-59. If the bonus for 1959, on the basis of the profits of 1958-59 at the rate of 1½ months' basic wages without considering the advance of a month's salary which was subsequently recouped, is a proper quantum of bonus as an implied term of employment for that year, for 1960 the bonus which is payable on the accounts of 1959-60 should be much less, because the net profit only works out at Rs. 28,395. Even then the company is prepared to pay bonus at the rate of one month's salary and it

has been paying an increased compensatory allowance at 7½ per cent which works out to 27 days' salary if paid throughout the year. Of course in 1959-60, it was paid only for 3 months so that for that year it would not work out to one month and 27 days but would work out at one month and 6½ days. In view of the meagre net profit for that year I am satisfied that that is quite reasonable. For the year 1960-61 the net profits were Rs. 2,91,470. The head office employees received the increased compensatory allowance throughout this year, so that the bonus already declared by the company for this year at the rate of one month's wages together with the increased compensatory allowance works out at the rate of one month and 27 days i.e., only three days short of 2 months. In my opinion, this is by no means unreasonable.

In this connection it was argued on behalf of the Union that the balance-sheets are not always a reliable guide because the balance sheets may be cooked up. Nothing however was shown to me on behalf of the Union to suggest that the balance sheets before me were in any way cooked up. Reliance however, was placed by Shri Sengupta on certain observations, made in a book entitled "State Regulation of Minimum Wages by S.B.L. Nigam" at page 156. The learned author after saying that the profit and loss may be considered as a sound test of the industry's prosperity, goes on to say that from a practical point of view it also suffers from many draw-backs and then observes as follows:—

"Serious differences of opinion between employers and workers in this matter are bound to occur. Besides, the student of accounting will know best how far the profits or even the balance sheet is a true index of the company's position—as there are various means by which the real position may be obscured. In certain cases, perhaps, income tax authorities may well explain the unscrupulous practices of employers to lower their profits artificially. The devices of watered capital, the issue of bonus shares, the investment of gross profits in the capital improvement of the company etc. are some of the devices to lower the amount of net profits. Where a company is jointly controlled with other allied companies, the shifting of profits from one to another is also a common and easy way of escape. There are thus numerous ways for an employer to deflate his profits, and obtain a decrease in wages if the profit and loss test is adopted."

All this may be true, but in every case, the balance-sheets have to be proved to be unreliable. In this particular case nothing has been even suggested on behalf of the Union as showing these balance-sheets to be unreliable. Not a single question appears to have been put to Shri L. H. Das who prepared from these balance-sheets Ext. A(1) about the correctness of that exhibit or about the correctness of the balance sheets themselves. In these circumstances it is hardly possible for me to set much store by these observations of the learned author.

In this connection a reference must be made also to the Union's case in paragraph 22 of its written statement that because each of the individual Railway Companies has been paying a puja bonus, at the rate of one month and 10 days' basic pay the workmen of the combined head office of the five Railways are entitled to puja bonus at a much higher rate than 3½ months. Evidently, the argument in that because each company can afford to pay at the rate of one month and 10 days' basic pay, five companies should be able to pay at the rate of more than 6 months' basic pay as bonus. This contention however was not repeated during the arguments of Shri D. L. Sengupta. I can only say that the contention would be about as reasonable as a demand that because the head office employees are the employees of the five combined railways, their wages also should be five times the wages, paid by each Railway Company to its employees of corresponding ranks, because these employees of the head office are the employees of the five combined Railways. Because the employees happen to be the employees of five Railway Companies, they do not certainly do five times as much work as an employee of any single Railway company does. There is thus no substance in this contention. In the circumstances, it is my award on this issue that the claim of the workmen for enhanced bonus for the years 1960 and 1961 is not justified.

My award on issue No. 2 is as follows:—

(1) Enhancement of Pay-Scales.

(i) Grades, clerical and akin to clerical.

On the materials before me or on general grounds of principle I do not feel justified in holding that there should be any radical changes either in the existing scales of pay in the different grades, other than those of clerks, Cash Counters

and Cash Assistants or any increase in the maximum of any of the grades. But the minimum wherever it is below Rs. 70 has to be raised to Rs. 70 and in order to maintain, not the existing differences, in pay between those who will now have an increment of Rs. 10, those who will have an increment of less than Rs. 10 and those who are already receiving Rs. 70 or more in the three grades, namely of clerks, Cash Counters and Cash Assistants, but only a token difference, one advance increment is to be given to those in these grades, if any, already receiving more than Rs. 60 but less than Rs. 70 and two advance increments to those receiving in these grades Rs. 70 or more.

The grades of clerks, Cash Counters and Cash Assistants are revised as follows:—

Rs. 70—3—94—4—134.

I supplement this part of my award with a suggestion to the authorities that they should see that members of the clerical staff or the staff akin to the clerical can earn by meritorious work easy promotion from a lower grade to a higher, so not to be weighed down by a sense of frustration sufficiently early their career.

(ii) *Grades non-clerical*

As to the non-clerical members of the subordinate staff, such as Ticket Counters, Literate Sorters and Daftaries, Ticket Binders, Peons, Armed Guards, Darwans, Car-drivers, watermen and sweepers, the revised grades will be as follows:—

Ticket counter	—	Rs. 50—2—80
Literate Sorter and Daftary		Rs. 35—2—65
Ticket Binder	.	Rs. 35—1—50
Peon	.	Rs. 30—1—40—2—50
Armed Guard	.	Rs. 40—1—50—2—60
Darwans	.	Rs. 32—1—47
Car Drivers	.	Rs. 60—3—90—2—100
Waterman & Sweeper	.	Rs. 30—1—45

2. *Enhancement of Dearness allowance.*

(i) *Grades, clerical and akin to clerical*

For members of the staff drawing pay of Rs. 100 and below, the dearness allowance should be 135 per cent of basic salary and for every rise of 10 points above 471 and every fall of 10 points below 471, the dearness allowance should rise or fall by 5 per cent.

For members of the staff drawing above Rs. 100 there will be no change from the existing system.

(ii) *For non-clerical staff:*

The dearness allowance at the existing working class cost of living index figure at 403 is fixed at 115 per cent of basic salary, subject to a minimum of Rs. 40. For every rise of 10 points above and every fall of 10 points below 403, the dearness allowance will rise or fall by 5 per cent.

3. *Bonus:*

The Union's claim of enhancement of bonus for 1960 and 1961 is not justified and bonus for 1960 should be at the rate of one month's basic pay as already declared and for 1961 also, it should be at the same rate.

Dictated & corrected by me
S. N. GUHA Roy, Judge.

(Sd.) S. N. GUHA Roy, Judge,
Industrial Tribunal.
22-6-62.

[No. 2/4/61/LR.IV.]

New Delhi, the 6th July 1962

S.O. 2195.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs. R. G. Goven and Company (Private) Limited, Bombay and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

Reference No. CGIT-24 of 1961

Employers in relation to M/s. R. G. Govan & Co. (Private) Ltd., Bombay
 AND
 Their Workmen

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the Employers:—Shri N. H. Phadke, Advocate with Shri J. K. Jain,
 Manager, R. G. Govan & Co. (Pvt.) Ltd.

For the Workmen:—Counsel Shri C. L. Dudhia, Bar-at-Law with Shri H. N.
 Trivedi, President, Shri D. M. Tulpule, General Secretary and Shri K.
 Wahiduddin Khateeb, Organiser, the Bombay Stevedors and Dock
 Labourers' Union for the workmen.

STATE: Maharashtra.

INDUSTRY: Clearing Agents.

Bombay, Dated 29th June 1962

AWARD

The Central Government, by the Ministry of Labour and Employment's Order No. 28/25/61-LRIV, dated 1st July 1961 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties abovenamed in respect of the subject matters specified in the following schedule to the said order to me for adjudication:

SCHEDULE

"Whether the following ten gang mukadams with their gangmen are employees of M/s. R. G. Govan & Co., Bombay? If so, whether they should be re-instated in service; and whether they are entitled to receive any benefit for the period of unemployment:

1. M. R. Muttuswamy
2. Sundaram
3. Param Shivam
4. Gopal Naidu
5. Ramdu
6. Mani
7. Natrajan
8. Ranganathan
9. Babu Reddy
10. Palaji."

2. After the order of reference was made, Shri H. N. Trivedi, the President of the Bombay Stevedores and Dock Labourers' Union, which represents the workmen, filed his statement of claim dated 21st August 1961, to which the Company by an application dated 1st December 1961 amended its written statement of 18th October 1961 in two respects and later on 23rd December 1961 filed a supplementary detailed written statement in reply to the Union's statement of claim. The Union has not filed a rejoinder to the Company's written statements of 18th October 1961 and 23rd December 1961.

3. R. G. Govan and Co. (P) Ltd. (hereinafter referred to as the Company) had a contract from the Central Government for clearance of foodgrains from ships for some years past, but it is admitted that the contract expired on 31st March 1962. This work consisted of bagging the food-grains, weighing the bags, stitching and transporting the grains to the godowns or loading them in wagons. It is admitted by the Union that the workmen concerned in this dispute carry out the first two operations and are known as filling gangs. According to the Union to carry out this work the Company employed about 50—100 filling gangs, each gang consists of 10 workers including the Gang Mukadam and is known by the Gang Mukadam's name. It is admitted that payment to these gangs is made at

the rate of Rs. 6.50 nP. per 100 bags. According to the Union the Company employed one Shri Chinatambi as its Mukadam for Supervision of the work and it was this Chinatambi who discontinued the work of these 10 gangs of workers concerned in this dispute in or about January 1961, abruptly terminated their services because they refused to submit to the un-fair labour practice which Chinatambi attempted to enforce in inducing the workers to accept a lower rate for filling bags than agreed upon and submit to other un-fair methods. This Union thereupon raised an industrial dispute over the termination of services of these workmen and in the Conciliation proceedings which followed, the Company denied that these workmen were its employees, "inspite of the fact that these men held photo identity cards issued by the Company as employers and they were working with the Company as their employees for the last several years and they were under their direct control and supervision". The Conciliation proceedings, therefore, resulted in failure, whereupon Government made this reference. The Union claims that this dispute concerns 10 gangs of workmen i.e. about one hundred workers, who were the workers of the Company for the last nearly 3 years and who till their services were terminated, as stated above, were doing the work of filling the grains in bags and weighing them. It has submitted that the Company's denial that these were its workmen was false and unwarranted as these workmen, like the other workmen who were continued in service, were employed and paid by the Company, who were Government contractors for un-loading grains. The Union alleges that these workmen had remained unemployed from the date their services were illegally and unjustifiably terminated in January 1961, without any charge sheet having been served upon them or any enquiry having been held. It has, therefore, urged that the dismissal of these workmen was in violation of the rules of natural justice. The Union, therefore, claimed that the 10 Mukadams named in the Scheduled to the Government Order of Reference and their men, should be re-instated with full pay and allowance from the date of their dismissal till the date of their re-instatement in service.

4. The Company in its written statement in reply dated 18th October 1961 has contended (1) that the 10 Mukadams and or the men employed under them were never employed by the Company and there was no priority of contract of employment between the Company and the said Mukadams and or the men under them; (2) that the Mukadams are in the employment of suppliers of labour like Chinatambi, mentioned by the Union in its written statement; (3) that as there is no contract of employment between the 10 Mukadams mentioned in the order of reference and the Company, the present dispute cannot be said to be an industrial dispute and hence this Tribunal has no jurisdiction or power to entertain the same; and (4) that the Company has no control over nor does it supervise the work of the Mukadams or their workmen.

5. With regard to the other statements made in the Union's written statement the Company denies that the 100 (hundred) workmen in the gangs of these 10 Mukadams were in the employment of the Company or that their services were terminated by it; it denies that these 100 workmen were working under these 10 Mukadams. It also denies that they had remained without work from the date of their dismissal. The Company denies that the various gangs consist of the same workmen on all occasions and it has stated that the workmen often change their gangs and their Mukadams, at their own desire and need. The Company has made special mention of the fact that the Union had failed to name the workmen whose services are alleged to have been terminated and it called upon the Union to furnish the list of workmen working under each of the Mukadams. According to the Company, the Mukadams have no fixed workers and the workers are not attached to Mukadams mentioned in the order of reference. The Company has complained that the Union's written statement was vague in material points such as the date of termination of the services of the workmen the names of the workers attached to each workmen and the period during which they are alleged to have been unemployed.

6. The Company amended its written statement of 21st August 1961 by a subsequent application dated 1st December 1961, in which it has urged two specific legal objections to the maintainability of this reference and the specific jurisdiction of this Tribunal to adjudicate on this dispute; (1) that the matter referred to this Tribunal is not an "industrial dispute" as defined by section 2(k) of the Industrial Disputes Act, 1947 (Act XIV of 1947), as the Company did not have at any material time "workmen" as defined by that Act in its service, who could or did raise any industrial dispute with regard to the persons concerned in the reference and (2) that whilst making the reference the Government had not

applied its mind to the subject matter of the reference and the reference for that reason was incomplete.

7. In a subsequent written statement dated 23rd December 1961, filed by the Company on the merits of the dispute, in which whilst re-iterating its denial that the workmen purporting to be concerned in this dispute, were in its employment, it has stated that for the two operations of bagging of foodgrains and its weighing, the workmen engaged were in gangs of 10 each, including one 'Mukadam', popularly known as filling gangs. It has stated that the Mukadam is not required to be present when the gangs fill the bags, but when he does remain present he does not necessarily work. It has denied that the names of these Mukadams are entered in its muster rolls, as its servants. It has explained the system of working of the gangs by stating that the Company has a labour supplier and whenever he brings any particular mukadam for work on a given vessel, the said mukadam brings in turn 9 or 10 other people to work on the concerned vessel and at the end of the working of the vessel, the said mukadam is paid at the rate of Rs. 6.50 per 100 bags filled and weighed; that the Company is not aware and does not know and has no record of the men the mukadam may bring for this work. It has stated, "the mukadams and their workmen may both change from time to time and the Company holds its labour supplier responsible for the supply of man-power required for the clearance of foodgrains". It has stated that the services of these mukadams and their workmen were never engaged on a Master/Servant basis and the question of the termination of their services therefore did not arise. It has denied the Union's allegations that the Company's labour supplier had resorted to un-fair labour practice in inducing the workmen to accept a lower rate of payment than agreed upon and it has denied the Union's allegation of un-fair labour practice. The Company has explained how the rate of Rs. 6.50 nP. came to be fixed. It appears that upon the refusal of the mukadams and their workmen to accept filling work sometime in the first quarter of 1960, the Company was compelled to raise the rate of filling bags to Rs. 6.88 per 100 bags. The resultant dispute was referred to the arbitration of Shri F. Jeejeebhoy, Bar-at-Law, retired Chairman of the Labour Appellate Tribunal, Bombay, who, according to the Company reduced the rate to Rs. 6.50 per 100 bags. The Company has therefore submitted that the Union's allegation with regard to unfair labour practice was not correct. The Company has further contended that as these mukadams and its workmen were not employed by it, there could not be any termination of their services by it. The Company (after referring to the Conciliation proceedings at which the Union in support of its contention that these gangsmen were employees of the Company had produced photo identity cards of some of these workmen in which this Company was named as their employers), has submitted that such photo identity cards could not by themselves establish that the relationship of master and servant existed between them. The Company has denied that these workmen were in its service for a number of years or that they were under its direct control and supervision. It has contended that the photo identity cards only meant that the workman had worked for it for at least on one day. It has further stated, "it may be that he has worked for a number of other employers including other Government contractors, the Bombay Port Trust and the Bomba Dock Labour Board, having secured entry into the Dock with the photo identity card bearing on it the name of the Company as employer. As a matter of fact, a number of persons having photo identity cards issued by other contractors etc. as "employers" also work for the Company." The Company has further specifically denied that the 100 workmen were its employees or in its employment at any material time and without prejudice, it has put the Union to the strict proof to prove such relationship in respect of each workmen and the period of the alleged employment. It has without prejudice further contended that this labour was on a purely casual basis, which lasted only during a given shift during which they may have worked for the Company. The Company has, therefore, denied the Union's claim for re-instatement of the 10 Mukadams and their workmen in service or for payment of any compensation to them. It has stated that even these 10 Mukadams are not known to it and that the expression "their workmen" in the schedule to the order of reference is vague.

8. At the hearing before me the parties at one stage applied for an adjournment on the ground that in view of the fact that the employer Company's contract with the Government was to expire on 31st March 1962 and it was then not known whether the contract would be renewed, the parties desired to explore the chances of a settlement, but later I was told that a settlement was not possible. Later, the Company by its letter, dated 4th June 1962 informed me that its contract with the Government of India for clearance and transport of food grains and fertilisers

at the Bombay Port had already expired on 31st March 1962 and it was not in a position to employ any filling labour.

9. At the various hearings before me, the Union did not lead any oral or documentary evidence in support of its claim nor has it filed any rejoinders to the Company's written statements. The Union has mainly relied upon a few photo identity cards which had been issued by the Company in favour of some of the Mukadams and/or workmen.

10. The Company's main contention is that there is no master and servant relationship between these 10 Mukadams mentioned in the order of reference and/or its workmen and itself. Before it can be held that these 10 Mukadams or their workmen were employees of the Company it was necessary for the Union to have established that the management exercised supervision and control over the work of the contractors and their workmen. It is well settled law that before a contractor and/or its workmen can be held to be the employees of the Employer, in other words before a relationship of master and servant can be deemed to have been established, it must be proved that they were under the control and supervision of the employer in respect of the details of the work (1958 II LLJ. p. 252 and 1962 I LLJ. p. 118). The Company's case with regard to the 9 workmen engaged by each Mukadam and forming his gang has been that it has never maintained any record of who these workmen were, in which gang they worked and which ship they had helped to clear. It has stated that these workmen change gangs and were a floating class of employees not necessarily attached to any particular Mukadam. The Union, though called upon to do so could not give any particulars of the gangsmen of each of these mukadams and the length of their service or the particulars of their work regarding which ship's load of food grain they had helped to fill and get weighed. On the failure of the Union to produce even the barest evidence in support on this point, it is impossible to hold that there was any relationship of employer/employee or master and servant between the workmen of these 10 Mukadams and the Company.

Now, with regard to the 10 Mukadams themselves, at the hearing, the management stated, and this was not denied by the Union, that some of these mukadams were working for the Dock Labour Board and the Bombay Port Trust that some others were working as mukadams for other contractors doing similar work. The management also stated that these mukadams had worked for the Company for only a few months at a time in 1960. The Union, as I have stated earlier, has not led any evidence, oral or documentary, to establish its case that there was employer/employee or master and servant relationship between the Company and the contractors and/or their workmen, which relationship the Company had denied and to which it had put the Union to strict proof. The only thing the Union sought to rely upon are the photo identity cards. Now, these photo identity cards are necessary for permission to enter the docks and it was conclusively shown at the hearing that once a photo identity card was given to a workman (and it was not denied that it would be given by a particular employer to a particular employee even for a day's work) he, in practice, continues to use that particular photo identity card to enter the docks, even though he thereafter works for another employer. It was also established at the hearing that several workmen working for this Company had photo identity cards of other employers.

11. In my opinion, the Union having failed to lead any evidence to establish the employer/employee relationship between this Company and the 10 Mukadams mentioned in the order of reference and/or their workmen, the legal objection of the Company must be upheld and it must be held on the first issue under reference that it is not proved that the ten gang mukadams and/or their gangmen are employees of Shri R. G. Govan & Co. (Pvt.) Ltd.

12. The rest of the reference therefore also fails.

No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.

[No. 28/25/61/LRIV.]

New Delhi, the 9th July 1962

S.O. 2196.—In pursuance of section 17, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following awards of the

Labour Court, Dhanbad, in the matter of applications under section 33-A, of the said Act, from certain employees of the Indian Bank Limited and the State Bank of Jaipur.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, DHANBAD

APPLICATION NO. 291 OF 1961

In the matter of an application under Section 33A of Industrial Disputes Act, 1947—in Reference No. 1 of 1960 of National Industrial Tribunal (Bank Disputes) at Bombay.

PARTIES:

Shri P. S. Jha, c/o The Indian Bank Ltd., P-8, Brabourne Road, Calcutta-1—*Complainant.*

VS.

The Indian Bank Ltd., P-8, Brabourne Road, Calcutta-1—*Opposite party.*

PRESENT:

Shri C. B. Mitter, M.A., M.L., Presiding Officer.

APPEARANCES:

Shri P. S. Jha, the complainant personally present.

Shri H. Ramanathan, Law Officer,—*for the opposite party—Bank.*

Dhanbad, dated the 22nd June 1962

INDUSTRY: Banking.

STATE: West Bengal.

AWARD

The petitioner who is an employee of the Respondent Bank in its Calcutta office at P-8, Brabourne Road, Calcutta-1 used to get a special allowance of Rs. 10/- per month so long as he was in the Clearing Section. This allowance was admissible to him as he had to work an adding machine in this section. The petitioner who is an office-bearer of the Indian Bank Employees Union, Calcutta, went on "duty leave" to Bombay to attend to the proceedings before the National Tribunal during the period from 27th August 1960 to 25th January 1961. After his return from leave, he was transferred from the Clearing Section to the Saving Bank Section with the result that he had not to work the adding machine and was consequently rendered unable to earn this special allowance.

The question is whether the transfer of the employee from one department to another amounts to an alteration in the conditions of service so as to entitle him to file a complaint under Section 33A of the I.D. Act. The answer is simple. Transfer of an employee being entirely at the discretion of the management, an employee is bound to accept the transfer when made.

(*Bata Shoe Company vrs. Ali Hasan 1956 Patna 518*). A transfer, even if it is likely to result in (i) inability of the workman to get over-time wages which he used to get before the transfer (*Mysore Spinning Company vrs. N. Murthy 8 F.J.R. 239*); (ii) or the workman being required to work under some body who was once his subordinate (*Automobile Products vrs. Sharma 1955 I.L.L.J. 299*); (iii) or, finally, the future chance of promotion of the workman being hampered (*ibid*), does not amount to an alteration in the conditions of service.

It appears that as the petitioner had been on leave for months together, somebody else had to be engaged to run the adding machine and that when the petitioner returned from leave, the same employee was allowed to continue in the Clearing Section. It is to be noted that the petitioner was not deprived of this allowance during the period of his leave. On his return, however, he could not claim to be retained in the Clearing Section permanently in the absence of an agreement to that effect. The transfer order is, accordingly, held to be unimpeachable specially when there is no evidence that may possibly lend support to a case of victimization.

The petition of complainant, in the circumstances, is rejected.

Sd/- C. B. MITTER,
22-6-1962,
Presiding Officer,
Central Government Labour Court,
Dhanbad.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, DHANBAD

APPLICATION No. 1190 of 1961

In the matter of an application under Section 33A of Industrial Disputes Act, 1947 (XIV of 1947).

PARTIES:

The workmen of State Bank of Jaipur, represented by State Bank of Jaipur Employees Union, 35, Cross Street, Calcutta-7—Complainants.
Vs.

The State Bank of Jaipur, 35, Cross Street, Calcutta-7—Opposite party.

PRESENT:

Shri C. B. Mitter, M.A., M.L., Presiding Officer.

APPEARANCES:

No appearance by either party.

Dhanbad, dated the 22nd June 1962

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

An application dated 16th May 1962 is received from the Secretary, State Bank of Jaipur Employees Union, Calcutta wherein a prayer has been made for withdrawal of this complaint on the ground that the dispute between the management and the union has been amicably settled.

2. Looking at the original complaint under Section 33A of the Act I find that this has been filed by the Secretary of the Union on behalf of the employees. This is absolutely irregular. A complaint under Section 33A can be filed only by an employee who is aggrieved by the action of the employer and not by any Union Secretary. In that view of the matter the complaint itself is ordered to be taken off the file.

Sd/- C. B. MITTER,
22-6-1962,
Presiding Officer,
Central Government Labour Court,
Dhanbad.

[No. 56(3) /62-LRIV.]

P. R. NAYAR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

COFFEE CONTROL

New Delhi, the 7th July 1962

S. O. 2197.—The following statement of accounts of the Coffee Board, Bangalore, for the period 1st April, 1959 to 31st March, 1960 is published in the Gazette of India in accordance with Rule 34 (iv) of the Coffee Rules, 1955 :—

COFFEE BOARD, BANGALORE

Abstract Statement of Receipts and Expenditure of General Fund Account [Including General Fund No. IA/C, General Fund (Research) A/C, General Fund (Propaganda) A/C, General Fund (Development) A/C and General Fund Development (Loan) Account].

RECEIPTS	EXPENDITURE	
1. <i>Opening Balance :</i>		
(i) Gen. Fund No. 1 A/c.	16,80,712.54	4,51,051.37
(ii) Gen. Fund (Research) A/c.	92,808.94	
(iii) Gen. Fund (Propaganda) A/c.	7,76,731.49	
(iv) Gen. Fund (Development) A/c.	15,220.46	
(v) Gen. Fund Development (Loan) A/c.	8,829.34	25,74,302.77
2. Monies received under section 13(1) of Coffee Act	18,00,000.00	
3. Loans received from Central Govt. under rule 38-A of Coffee Rules.	2,83,400.00	
4. Recovery of loans granted under rule 38-B of Coffee Rules.	12,65,581.96
5. Interest of other charges on Loans	15,147.05	
	5. Grants under Section 31(2) (e) of Coffee Act (Labour Welfare Measures)	..

This is exclusive of the Balance held by the High Commission of India, London.

RECEIPTS		EXPENDITURE	
6. Miscellaneous Receipts :			
(i) Gen. Fund No. 1 A/c.	2,92,523.59	6. Payment of Loans granted under Rule 38-B of Coffee Rules	2,73,884.36
(ii) Gen. Fund (Research) A/c.	5,75,363.17	7. Repayment of Loans taken from the Central Govt. under rule 38-A of Coffee Rules	..
(iii) Gen. Fund (Propaganda) A/c.	86,79,505.96		
(iv) Gen. Fund (Development) A/c.			
(a) Receipts by Dev. Deptt.	7,100.62	8. Payment of interest or other charges on loan	14,946.86
(b) Receipts by Res. Deptt.	37,098.07	9. Miscellaneous	..
(v) Gen. Fund Development (Loan) A/c.	..	10. Closing Balance	..
		(i) Gen. Fund No. 1 A/c	15,57,623.95
		(ii) Gen. Fund (Research) A/c.	93,533.37
		(iii) Gen. Fund (Propaganda) A/c.	4,86,763.63
		(iv) Gen. Fund (Development) A/c	14,137.65
		(v) Gen. Fund Development (Loan) A/c.	18,545.17
			21,70,603.77
1,42,64,441.23		1,42,64,441.23	

Sd/- C. R. SUBRAMANIAN
Accounts Officer.

Sd/- A. N. BALARAMAN
Secretary.

Sd/- H. SITARAMA REDDY,
Chairman.

Verified the above statement of accounts of the Coffee Board General Fund and certified that all the information and explanations required were obtained. The statement is correctly prepared in accordance with the books maintained and information and explanations furnished subject to the remarks in the audit reports separately issued.

Sd/-
Assistant Accounts Officer. (OAD),
Office of the Accountant General, Mysore,
Bangalore.

Statement of Receipts and Expenditure on behalf of the Indian Coffee Board (General Fund) during the Financial year ended 31st March, 1960

RECEIPTS	EXPENDITURE
To balance brought forward from 1959/60	£ 90 0 10 By payment to British Commonwealth Producers Organisation, being the annual subscription for the year ended 30th April 1960 (Re. No. SG. 3253 Dt. 11-8-59 from Board)
To sales of coffee Bulletin	1 11 6 By payment to Coffee Publicity Association, being the subscription fee for the years from 1-5-59 — 30-4-60 (Re. No. 3502 dt. 25-8-59 from Coffee Board, Bangalore)
To Amount received from Coffee Board, Bangalore for payment to the Coffee Publicity Assn. and British Commonwealth Producers Organisation etc.	348 0 0 By Balance of receipts over disbursements carried forward to 1960-61
	£ 439 12 4
	£ 66 13 4
	250 0 0
	122 19 0
	£ 439 12 4

Sd/- P. K. RAU,
Chief Accounts Officer.

I certify that the above statement of account has been test checked and appears to be correct.

Sd/- K. N. Row,
Assistant Director of Audit.

[No. F. 8 (10) Plant (B)/61]

B. KRISHNAMURTHY
Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)

ORDERS

Bombay, the 24th May 1962

S.O. 2198.—Whereas M/s. International Automotive Co., 12-A, Mohatta Market, Palton Road, Bombay-1 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/237/61/CDN.II/413, dated 3/5th February, 1962, proposing to cancel the following licences, granted to the said M/s. International Automotive Co., 12-A, Mohatta Market, Palton Road Bombay-1 by the Joint Chief Controller of Imports and Exports, Government of India, in the Ministry of Commerce & Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licences issued to the said M/s. International Automotive Co., 12-A, Mohatta Market, Palton Road, Bombay-1:

S. No.	Licence No. & Date	Value in Rs.	Description of goods	I.T.C. S. No.	Area.
1.	E. 351799 30.12.60.	14,721/-	Cylinder Liners.	293-95-97-IV.	G. A.
2.	E. 352408 2.1.61	9,721/-	Piston Rings.	293-95-97-IV.	S.C.A.

[No. 1/237/61/CDN.II.]

S.O. 2199.—Whereas M/s. Dwarkadas Jadhavji & Bros., 196, Cavel Cross Lane No. 8, Kalbadevi, Bombay-2 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 1/237/61/CDN.II/430, dated the 3rd/5th February, 1962, proposing to cancel the following licences, granted to the said M/s. Dwarkadas Jadhavji & Bros., 196, Cavel Cross Lane No. 8, Kalbadevi, Bombay-2, by the Joint Chief Controller of Imports and Exports, Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licences issued to the said M/s. Dwarkadas Jadhavji & Bros., 196, Cavel Cross Lane No. 8, Kalbadevi, Bombay-2:

S. No.	Licence No. & Date.	Value in Rs.	Description of goods	I.T.C.S. No.	Area.
	E. 287000 19.6.61	42,423/-	M. V. Parts.	293-95-97-IV.	G A.

[No. 1/237/61/CDN.II.]

R. R. KIRPALANI,
Dy. Chief Controller of Imports & Exports.